

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Sentencing Practices

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Annual Summary Statistics for Felony  
Offenders Sentenced in 2011

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## Background Information

Minnesota adopted a sentencing guidelines system effective May 1, 1980, in order to create a more uniform and determinate sentencing system.

A sentencing guidelines system provides the legislature with a structure for determining and maintaining a rational sentencing policy. Through the development of sentencing guidelines, the legislature determines the goals and purposes of the state's sentencing system. The Guidelines represent the general goals of the criminal justice system. They also specifically recommend what the appropriate sentence should be for an individual offender, given the offender's conviction offense and criminal record.

The system is intended to ensure that offenders convicted of serious crimes against persons or with lengthy criminal records are sentenced to prison. The Guidelines may, and often have been modified to increase penalties for offenders. The system allows these modifications to be implemented uniformly throughout the state. A monitoring system has been developed to provide information on sentencing practices. This information is used to evaluate sentencing policy, identify sentencing trends and to determine how sentencing policy impacts correctional resources.

### *Goals of the Minnesota Sentencing Guidelines*

The goals of the Minnesota Sentencing Guidelines are:

- To better assure public safety.
- To promote uniformity in sentencing so that offenders who are convicted of similar types of crimes and who have similar types of criminal records are similarly sentenced.
- To provide truth and certainty in sentencing.
- To establish proportionality in sentencing by emphasizing a "just deserts" philosophy. Offenders convicted of serious violent offenses (even with no prior record), those with repeat violent records, and those with more extensive non-violent criminal records are recommended the most severe penalties.

### *How the Sentencing Guidelines Work*

To understand the data on sentencing practices, it is necessary to have a general knowledge of how the Guidelines work and what factors are used to determine the recommended sentence. The following pages provide a brief explanation of how the Minnesota Sentencing Guidelines are applied to individual cases.

Minnesota's Guidelines are based on a grid structure. The vertical axis represents the severity of the offense of conviction. The Commission has ranked offenses that are felonies under Minnesota law into eleven severity levels. Offenses for which a life sentence is mandated by

statute (first-degree murder and some criminal sexual conduct offenses) are excluded from the Guidelines. A separate Sex Offender Grid is used for sentencing sex offenses with severity levels from A (most serious) to H.<sup>1</sup>

The horizontal axis represents the offender's criminal history and includes: variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and added points for "custody status" if the offender was confined or was on probation, parole, supervised release, or conditional release, when the current offense was committed.

Standard Grid

CRIMINAL HISTORY

	0	1	2	3	4	5	6+
SEVERITY							
11							
10							
9							
8							
7							
6							
5							
4							
3							
2							
1							

Sex Offender Grid

CRIMINAL HISTORY

	0	1	2	3	4	5	6+
SEVERITY							
A							
B							
C							
D							
E							
F							
G							
H							

## Presumptive Sentence

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid where the offender's criminal history score and severity level intersect. The numbers in the cells are recommended lengths of prison sentences in months.

For cells below and to the left of the solid line (the gray shaded area of the Grids), the Guidelines recommend a stayed sentence. When a sentence is stayed, the court typically places the offender on probation and may impose up to one year of local confinement (i.e., jail or workhouse). Other conditions such as fines, restitution, community work service, treatment, house arrest, etc., may also be imposed on the offender.

For cells above and to the right of the solid line (the white area of the Grids), the Guidelines recommend incarceration in a state prison. When prison is the presumption, the Guidelines

<sup>1</sup> Failure to register as a sex offender, which carries a mandatory minimum prison sentence (Minn. Stat. § 243.166), is the only offense ranked at severity level H. Therefore, the recommended disposition according to the Guidelines is commitment.

provide a range of 15 percent downward and 20 percent upward from a specified duration. The court may pronounce a sentence within that range without departing from the Guidelines.

The court may depart from the presumptive Guidelines sentence for reasons that are substantial and compelling. The court must state the reason(s) for departure on the record, and either the prosecution or the defense has the right to appeal the pronounced sentence. (A more in-depth discussion of departures begins on page 21.)

Regardless of whether or not the court follows the Guidelines, the sentence pronounced is fixed; there is no parole board to grant early release from prison. When an offender receives an executed (prison) sentence, the sentence pronounced by the court consists of two parts: a term of imprisonment equal to at least two-thirds of the total executed sentence and a supervised release term encompassing the remaining portion of the total executed sentence. The amount of time the offender actually serves in prison may be extended by the Department of Corrections if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender serving the entire executed sentence in prison. Certain offenses (such as criminal sexual conduct and felony DWI) have a period of conditional release attached to them. When an offender is committed to prison, the Department of Corrections places the person on conditional release for a designated term upon the offender's release from prison. Conditional release essentially extends the offender's term of supervision by the Department of Corrections upon release.

The presumptive sentence cannot always be determined by simply looking at one of the sentencing Grids. The presumptive Guidelines sentence is sometimes greater than it might appear from the Grids alone, due to mandatory minimum sentences and other enhanced sentences provided by the Legislature. It is not possible to fully explain all of the policies in this brief summary. Additional information on the Sentencing Guidelines is available by contacting the Commission's office. The *Minnesota Sentencing Guidelines and Commentary* is available online at <http://www.msgc.state.mn.us>.

## *Changes to the Sentencing Grids over Time*

These types of changes should be noted when evaluating sentencing information over time.

### *2006*

Effective August 1, a separate Sex Offender Grid was introduced with severity level A (the most serious) to severity level H. More severe policies were adopted for repeat sex offenders including an enhanced weighting scheme for prior sex offenses and the possibility of a second custody status point.

### *2005*

Starting August 1, ranges on the Guidelines Grid were increased to allow the court to pronounce a sentence without departure that is up to 20 percent greater than, or 15 percent less than, the presumptive number of months on the sentencing Grid.

### *2002*

Felony Driving While Impaired (DWI) took effect August 1. The Commission added an eleventh severity level to the Standard Sentencing Guidelines Grid to accommodate it. A new severity level 7 was

created, with the old severity levels 7 through 10 becoming 8 through 11. Offenses ranked at these levels were moved up a severity level, but the presumptive sentences remained the same.

### *1997*

A package of changes, which increased sentences in some cells and decreased sentences in other cells at Severity Levels 2 through 6, went into effect August 1.

### *1989*

A number of dramatic changes were made to the Guidelines. Presumptive durations at severity levels 7 through 10 were increased significantly and a weighting scheme was implemented for prior felonies. Before August 1, 1989, felony sentences that were included in the criminal history score were weighted at one, regardless of the severity of the prior offense.

## *Felony Sentencing Enhancements in 2011\**

In 2011, the most significant legislation impacting felony sentences was:

- New criminal penalties were enacted for controlled substance analogs. This was defined as a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II.
- The registration of predatory offender statute was amended by adding criminal abuse of a vulnerable adult to the list of offenses for which registration is required.
- The definition of “fleeing” in the statute relating to fleeing a peace officer in a motor vehicle was expanded to include a person who causes death or bodily injury to any person other than the perpetrator while flee in a motor vehicle “or subsequently by other means.”
- Theft of moveable property was added to the list of eligible offenses for which an offender can be charged with racketeering.

\* For a list of the major increases in felony sentences from 1987 to 2012, see the MSGC special report *Minnesota Sentencing Enhancements: 1987 to 2012*, at [www.msgc.state.mn.us/msgc5/reports.htm#special\\_guidelines\\_reports](http://www.msgc.state.mn.us/msgc5/reports.htm#special_guidelines_reports).

## *MSGC Monitoring Data*

One of the primary functions of the Sentencing Guidelines Commission is to monitor sentencing practices. The monitoring system is designed to maintain data on all offenders convicted of a felony and sentenced under the Guidelines. A case is defined when a sentencing worksheet is received from the probation officer and matched with sentencing data from the District Court. An offender sentenced in the same county on more than one offense within a thirty-day period is counted as one case; information on the most serious offense is included in MSGC Monitoring Data.

Sentencing Guidelines worksheets, submitted by probation officers to the court and to the Commission, contain demographic information about the offender (e.g. date of birth, gender, race/ethnicity), the offenses for which the offender was convicted, the offender's criminal history and the presumptive Guidelines sentence. This information is matched with sentencing data from the District Court. The monitoring data sets include information on the sentence pronounced by the court and, if the sentence was a departure, the reasons cited by the court.

Beginning in 2006, first-degree murder offenses are included in the Commission's data. Prior to then, only attempted first-degree murder and first-degree conspiracies were included. First-degree murder has a mandatory life sentence, so the presumptive sentence is not determined by the Sentencing Guidelines. It was decided to include first-degree murder in the Commission's data following the Legislature's creation of life sentences for some sex offenses in 2005. We are now able to track the number of life sentences pronounced and the types of offenders receiving life sentences.

Prior to 1988, a "year" of sentencing data contained twelve months of sentences, beginning with the first of November of the previous year and extending to the end of October of the year specified. Beginning in 1988, the twelve-month period was converted to the regular calendar year. The slight shift in the time frames does not significantly interfere with analysis.

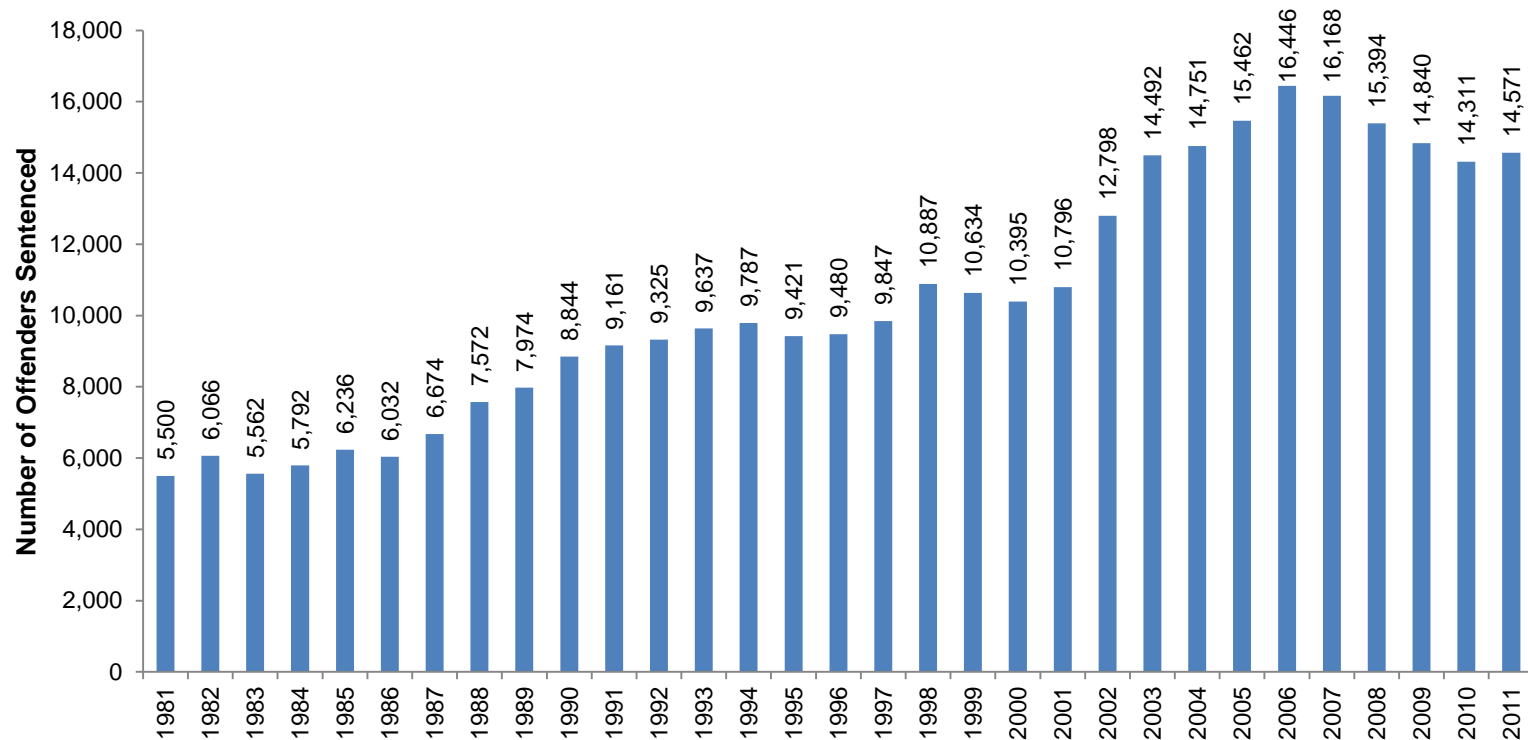


## Data for Cases Sentenced in 2011

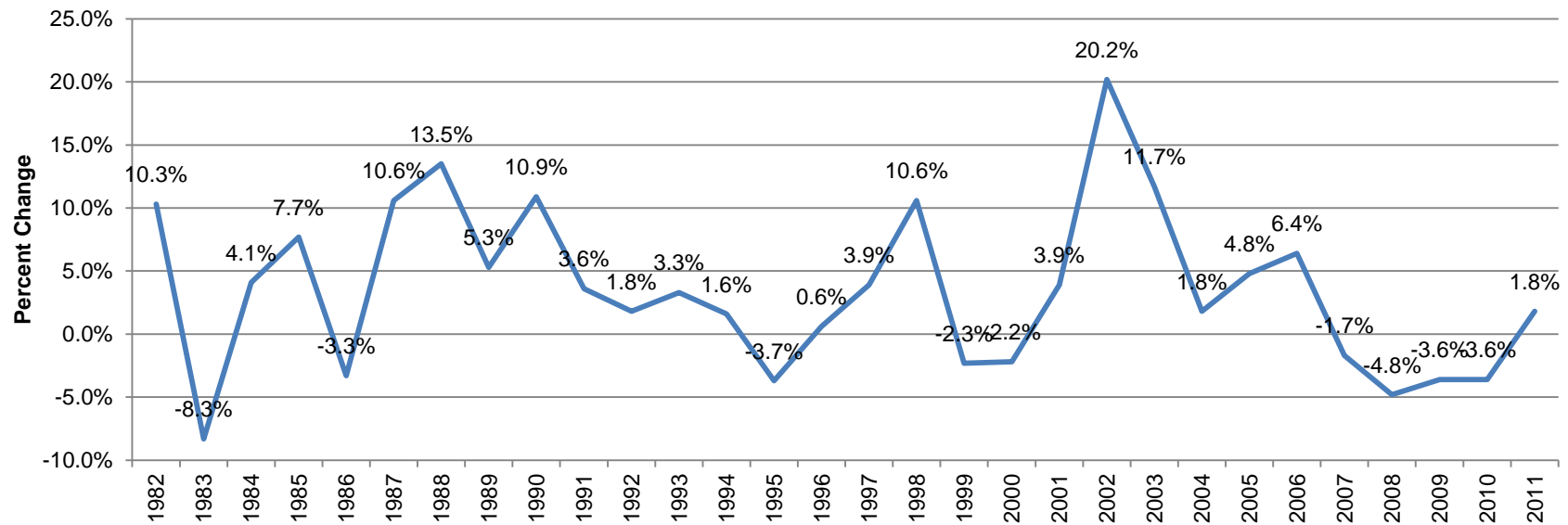
The data on the following pages display summary information about sentencing practices and case volume and distribution. As noted in the description of the Guidelines, the recommended sentence is based primarily on the severity of the offense of conviction and secondarily on the offender's criminal record. The majority of offenders receive the recommended sentence.

Sentencing practices are very closely related to the recommended Guidelines sentence. It is very important, therefore, to be aware of the effect of differences in offense severity and criminal history when evaluating sentencing practices. This is particularly important when comparing groups of offenders (e.g. by gender, race/ethnicity and judicial district). For example, if in a particular district the proportion of serious person offenders is fairly high, the imprisonment rate for that district will likely be higher than for districts with predominantly lower severity level offenses.

It is also important to take significant changes to the Guidelines into account when analyzing the following tables. For instance, a severity level was inserted into the Standard Grid in 2002 to accommodate felony driving while impaired (DWI). In order to group offenses together when reporting data, the new Severity Levels 1 through 11, are used in tables in which severity levels are reported. In addition, the Sex Offender Grid effective for sex offenses committed on or after August 1, 2006, is referenced separately wherever applicable.

*Case Volume and Distribution***FIGURE 1. NUMBER OF OFFENDERS SENTENCED FOR FELONY CONVICTIONS: 1981-2011**

**Figure 2. Percent Change in Number of Offenders Sentenced for Felony Convictions:  
1982-2011**



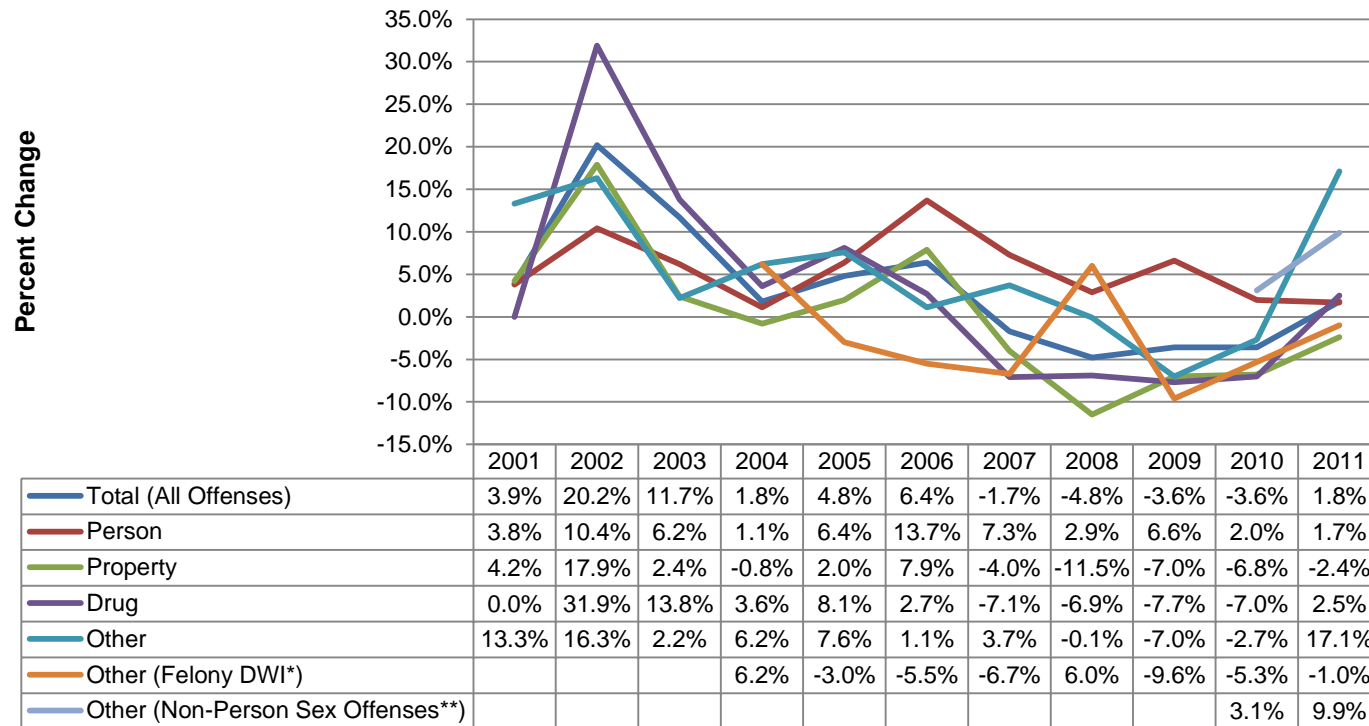
### Case Volume

There were 14,571 felony offenders sentenced in 2011; an increase of 1.8 percent from the number sentenced in 2010. Figures 1 and 2 illustrate a large growth in the number of offenders sentenced for felony convictions between 2001 and 2006. This growth can be attributed to the implementation of the felony driving while impaired (DWI) law and increases in the number of drug crimes sentenced, particularly methamphetamine cases. Both trends appear to have leveled off.

The decrease in volume for felony sentences is likely related to an overall decrease in reported crime. Data published by the Minnesota Department of Public Safety indicates that the overall crime rate for “index crimes”<sup>[1]</sup> has fluctuated since 1981, but has decreased for the last five years. The 2011 rate of 2,757 crimes per 100,000 in population represents a decrease of 1.4 percent from the 2010 rate. In 2011, there were 11,876 reported violent crimes in Minnesota, a decrease of six percent from the 12,661 violent crimes reported in 2010.

<sup>[1]</sup> Index crimes are Murder, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, and Arson. [2011 Uniform Crime Report](#), p. 10.

**Figure 3. Percent Change by Offense Type: 2001-2011**  
**(Felony DWI and Non-Person Sex Offenses Separated from “Other” Category)**



\*Felony DWI went into effect August 1, 2002. Since 2003 was the first full year in which this offense existed, percent change for this category is only provided for 2004 and beyond.

\*\*Category created in 2010 for sex offenses without a direct victim (failure to register as a predatory offender and possession and dissemination of child pornography). These offenses are excluded from the percent change calculation between 2009 and 2010 for the “other” category.

### Change in Case Volume by Offense Type

Figure 3 shows the percent change, by offense type, in the number of offenders sentenced between 1999 and 2011.

- Person Offenses

Sentencing for person crimes has increased every year since 2001. In 2011, the number of offenders sentenced for person crimes increased by nearly two percent, which follows a growth rate of two percent in 2010, six percent in 2009, three percent in 2008, over seven percent in 2007, and 13 percent in 2006 (Figure 3). As a proportion of total crimes sentenced in 2011, person offenses accounted for approximately 32 percent of the offenses, which is the highest percentage since the Guidelines went into effect (Figure 5). Much of this growth can be attributed to the increase in certain domestic assault-related offenses, including domestic assault, domestic assault by strangulation, and violations of restraining orders. While the number of offenders sentenced for violations of harassment restraining orders (VHRO) declined from 61 to 34; the growth in violations of domestic abuse no contact orders (VDANCO) (25%) and domestic assaults (13%) was particularly striking (Figure 4). For a more detailed discussion of the growth in domestic assault and restraining order offenses, please see MSGC's report entitled *Assault Offenses & Violations of Restraining Orders Sentenced in 2011*, which is available on the MSGC website. (<http://www.msgc.state.mn.us>). Other than the domestic assault related offenses, the assault offense that grew the most was fourth degree assault with a 19 percent increase.

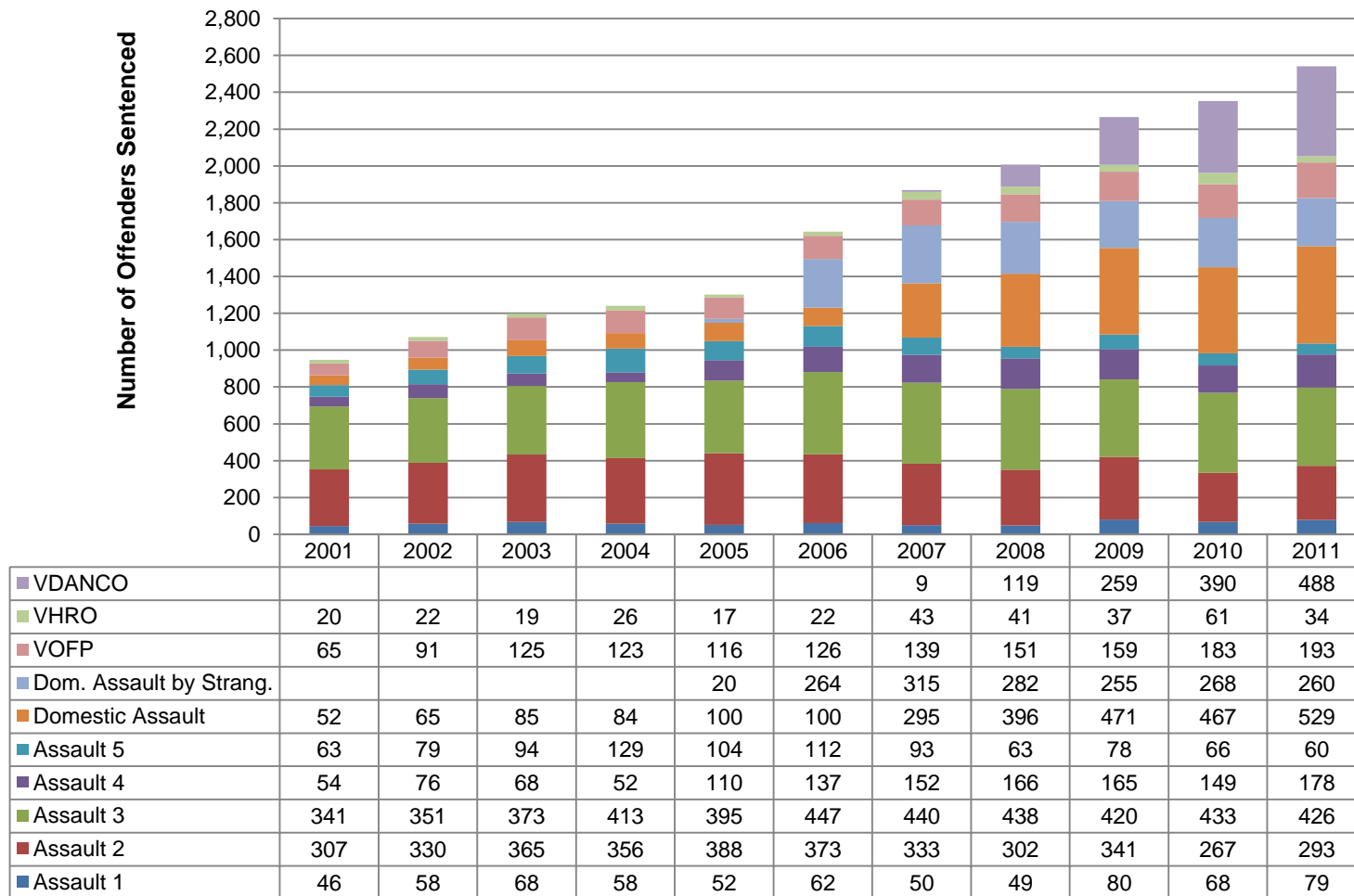
- Drug Offenses

Sentencing for drug offenses, which had increased dramatically in 2002 (up 31.9%) and 2003 (up 13.8%), has generally declined since 2007. But in 2011, the number of drug offenders sentenced was up slightly by 2.5 percent (Figure 3). As a proportion of total crimes sentenced, drug offenses have been decreasing since 2006 (Figure 5). In 2011, the proportion of offenders sentenced for drug offenses was the same as in 2010 (23%), which is the lowest percentage seen since 1999.

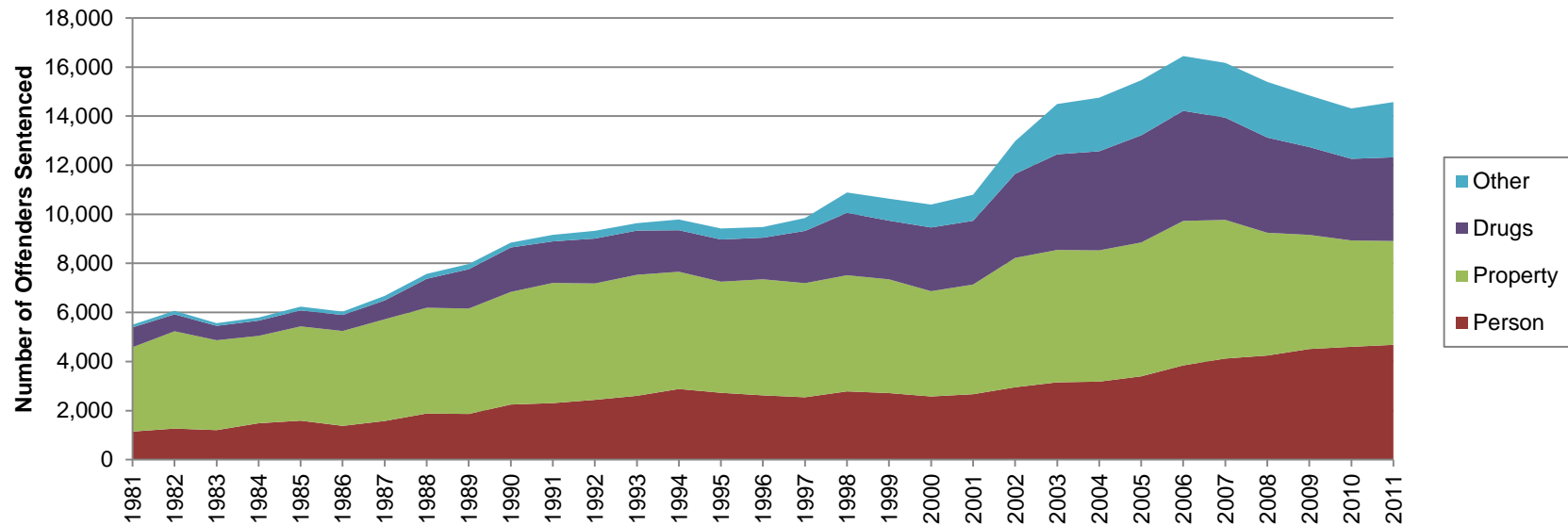
- Other Offenses (Including Felony DWI)

In 2010, the "other" offense category was separated so that data about felony DWI and non-person sex offenses (e.g., failure to register as a predatory offender or possession and dissemination of child pornography) could be analyzed separately. In 2011, the number of offenders sentenced for felony DWIs decreased by one percent, a smaller decrease than that seen in recent years. Overall, there was a ten percent increase in the number of offenders in the non-person sex offense category. Failure to register increased by 13 offenders and pornography offenses increased by 30 offenders (from 95 to 125). Among the remaining offenses in the other category the most noticeable increases were in voting violations (from 23 cases in 2009 to 160 cases in 2011) and ineligible felon in possession of a firearm (from 234 to 274).

Figure 4. Frequency of Assault and Restraining Order Offenses: 2001-2011



**Figure 5. Volume of Offenders Sentenced by Offense Type: 1981-2011**

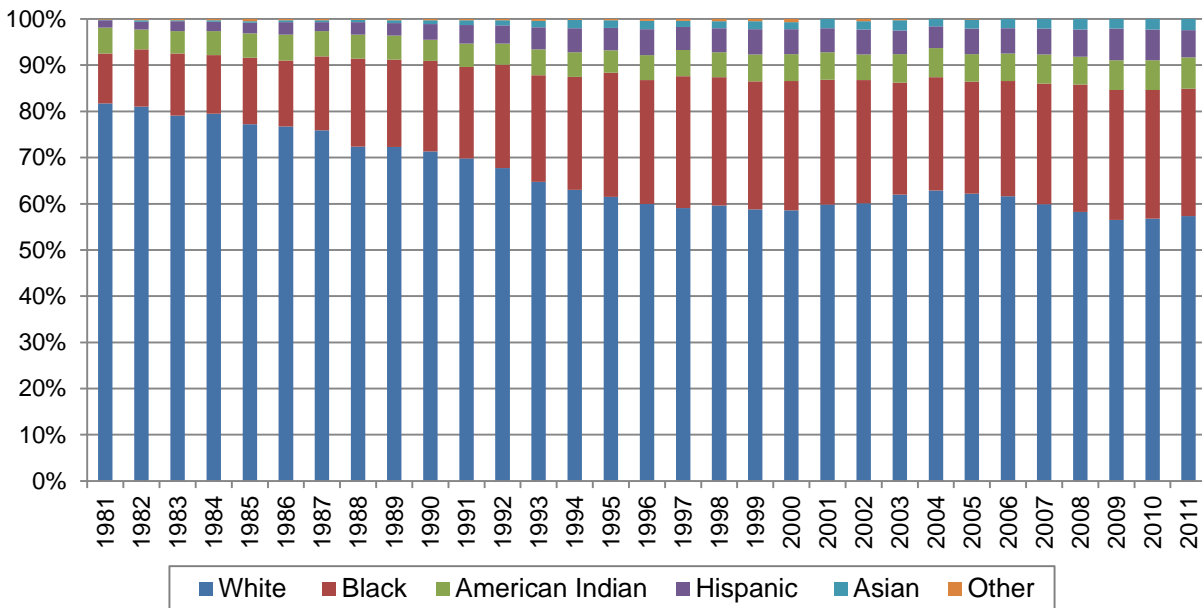


Offense Type		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Person	Number	2,667	2,951	3,152	3,180	3,396	3,841	4,121	4,244	4,509	4,599	4,679
	%	24.7	22.7	21.7	21.6	22.0	23.4	25.5	27.6	30.4	32.1	32.1
Property	Number	4,470	5,271	5,395	5,349	5,455	5,888	5,650	5,003	4,651	4,334	4,232
	%	41.1	40.6	37.2	36.3	35.3	35.8	34.9	32.5	31.3	30.3	29.0
Drug	Number	2,596	3,424	3,896	4,038	4,366	4,485	4,167	3,878	3,578	3,326	3,409
	%	24.0	26.4	26.9	27.4	28.2	27.3	25.8	25.2	24.1	23.2	23.4
Other –	Number	1,063	1,332	2,049	2,184	2,245	2,232	2,230	2,269	2,102	952	1,115
	%	9.8	10.3	14.1	14.8	14.5	13.6	13.8	14.7	14.2	6.7	7.7
Felony DWI	Number										667	660
	%										4.7	4.5
Non-Person Sex Offense	Number										433	476
	%										3.0	3.3
Total Number		10,796	12,978	14,492	14,751	15,462	16,446	16,168	15,394	14,840	14,311	14,571

Distribution of Offenders by Gender, Race and Judicial District

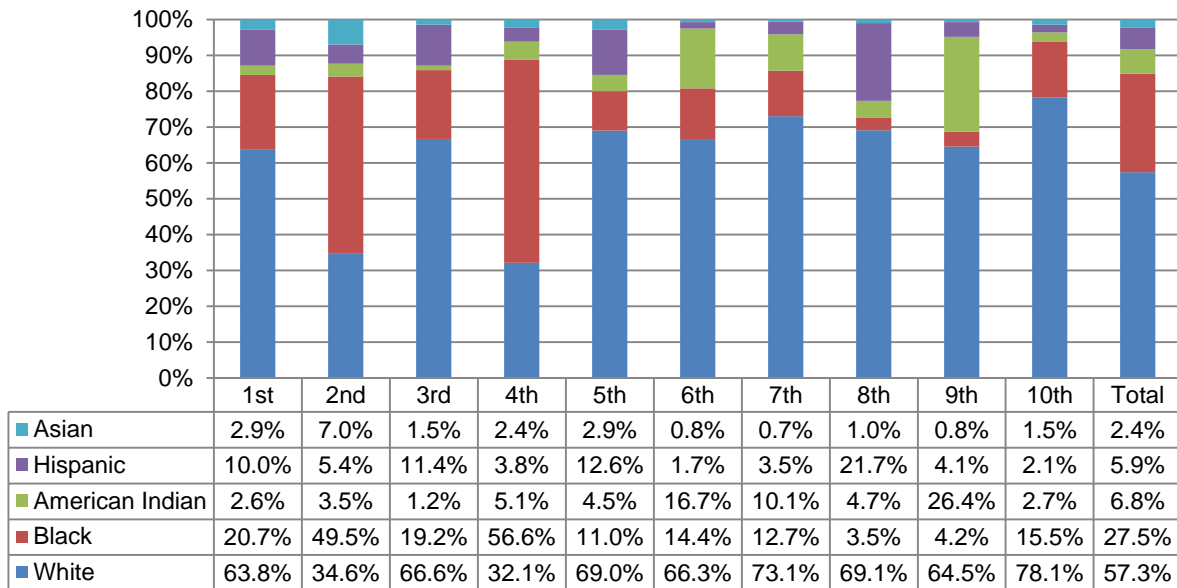
Males have always accounted for more than 80 percent of the felony offenders in Minnesota (Table 5). Figure 6 shows the racial composition of the felony offender population from 1981 through 2011. The percentage of offenders who are white has decreased by roughly 25 percent since 1981. This is largely due to an increase in the percentage of black offenders, though the percentage of other minority offenders has also increased (particularly Hispanics). Figure 7 displays the 2011 distribution of the racial composition by Judicial District. The largest populations of black offenders are in the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County). These districts include the Metropolitan areas of St. Paul and Minneapolis. Additional information on case volume and distribution can be found in Tables 5 to 11 (pp. 35-45). County-level information can be found in Table 28 (pp. 74-76).

**Figure 6. Distribution of Felony Offenders by Race: 1981-2011**





**Figure 7. Distribution of Felony Offenders by Race and Judicial District**



### *Incarceration Rates*

Under Minn. Stat. § [609.02](#), a felony sentence must be at least 366 days long in Minnesota. Sentences of one year or less are gross misdemeanors or misdemeanors and are served in local correctional facilities.

The Guidelines presume who should go to state correctional institutions (prison) and for how long. Imprisonment rates are related to the Guideline recommendations and are based on the seriousness of the offense and the offender's criminal history score. In cases in which prison sentences are stayed, the court usually places the offender on probation. As a condition of probation, the court can impose up to one year of incarceration in a local correctional facility. Probationers usually serve time in a local facility and are often given intermediate sanctions such as treatment (residential or nonresidential), restitution, and fines.

There is no existing structure to guide the court regarding the imposition of these intermediate sanctions. MSGC's monitoring system, which provided the information used in this report, includes only limited information regarding these sanctions. This monitoring system contains information on whether the court pronounced local confinement time as a condition of the offender's probation and for how long, but does not contain information regarding other sanctions imposed. The local incarceration rate reported in this data summary represents the percentage of all offenders convicted of felonies for whom the court pronounced local confinement time as a condition of a stayed sentence or whose crimes were sentenced as misdemeanors or gross misdemeanors.

The total incarceration rate describes the percentage of offenders who received a sentence that included incarceration in a state prison or local facility, such as a jail or workhouse, following conviction. Figure 8 describes the total incarceration rate, as well as the separate rates for prison and local confinement, from 1978 to 2011. The total incarceration rate has grown steadily over the last 25 years, from 61 percent in 1981, to 85 percent or more since 1991. This trend reached a high in 2005, when 92 percent of offenders received a sentence that included incarceration in a state prison or a local facility. In 2011, the total incarceration rate was 91 percent.

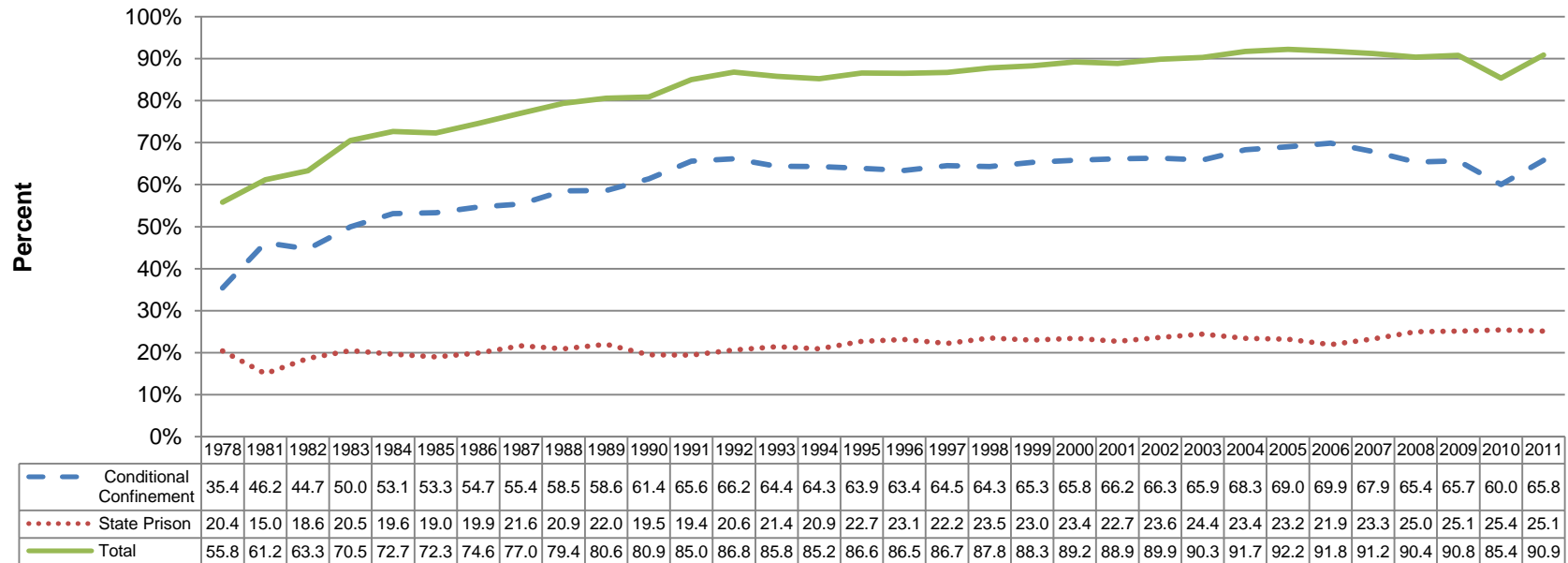
At 25.1 percent, the imprisonment rate was slightly lower than what was observed in 2010 which had the largest rate observed since the Guidelines were implemented. However, the conditional confinement rate was approximately six percent higher than what was observed in 2010. Of the 10,918 offenders who did not receive an executed prison sentence<sup>2</sup>, 87.8 percent<sup>3</sup> received either confinement time as a condition of probation or a local jail sentence.

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<sup>2</sup> See Table 1. Total cases (14,571) – total receiving prison (3,653) = 10,918.

<sup>3</sup> See Table 1. Total receiving conditional confinement (9,586) / # offenders not receiving prison (10,918) = .878.

**Figure 8. Overall Incarceration Rates: 1978, 1981-2011**



### Incarceration by Race and Judicial District

Table 1, below, provides total incarceration information for offenders sentenced in 2011. “Total Incarceration” includes all offenders receiving prison sentences or receiving local confinement time as a condition of a stayed sentence. When comparing imprisonment rates across various groups (sex, race, or judicial district) it is important to note that much of the variation is directly related to the proportion of offenders in any particular group who are recommended a prison sentence by the Guidelines.

- Race

The total incarceration rate varies across racial groups (ranging from 89.4% for white offenders to 93.3% for black offenders). However, there is greater variation by race in the separate rates for prison and local confinement. For example, white offenders were imprisoned at the lowest rate (21.0%) whereas black offenders were imprisoned at the highest rate (31.4%).

- Judicial District

Variation was also observed in incarceration rates by Judicial District. The Second Judicial District, which includes St. Paul, had the highest total incarceration rate (98.9%) and the Third Judicial District, which includes Rochester, had the lowest total incarceration rate (78.8%). This variation continues with respect to the separate rates for prison and local confinement. For example, the Fourth Judicial District, which includes Minneapolis, had the highest imprisonment rate (30.6%) and the Fifth Judicial District, which includes Mankato, had the lowest imprisonment rate (19.8%). With regard to use of local confinement, the Tenth Judicial District had the highest rate (74.9%) and the Third Judicial District had the lowest rate (52.3%).

Historical information for incarceration rates can be found in Tables 12-21 (pp. 46-63). These tables also include 2011 incarceration data by criminal history and severity level. Additionally, Table 28 illustrates incarceration rates by county (pp. 74-76).

Table 1. Total Incarceration Rates by Gender, Race / Ethnicity, and Judicial District

		Total	<u>Total Incarceration</u>		<u>Prison</u>		<u>Conditional Confinement</u>	
		<u>Cases</u>	#	%	#	%	#	%
<b>Gender</b>	Male	12,150	11,195	92.1%	3,390	27.9%	7,805	64.2%
	Female	2,421	2,041	84.3%	263	10.9%	1,778	73.4%
<b>Race/ Ethnicity</b>	White	8,346	7,462	89.4%	1,755	21.0%	5,707	68.4%
	Black	4,007	3,740	93.3%	1,260	31.4%	2,480	61.9%
	American Indian	998	922	92.4%	301	30.2%	621	62.2%
	Hispanic	864	784	90.7%	270	31.2%	514	59.5%
	Asian	356	328	92.1%	67	18.8%	261	73.3%
<b>Judicial District</b>	First	1,756	1,514	86.2%	364	20.7%	1,150	65.5%
	Second	1,961	1,939	98.9%	554	28.3%	1,385	70.6%
	Third	1,232	971	78.8%	327	26.5%	644	52.3%
	Fourth	2,936	2,685	91.5%	897	30.6%	1,788	60.9%
	Fifth	661	581	87.9%	131	19.8%	450	68.1%
	Sixth	921	768	83.4%	194	21.1%	574	62.3%
	Seventh	1,472	1,414	96.1%	357	24.3%	1,057	71.8%
	Eighth	401	378	94.3%	115	28.7%	263	65.6%
	Ninth	1,183	1,037	87.7%	299	25.3%	738	62.4%
	Tenth	2,048	1,949	95.2%	415	20.3%	1,534	74.9%
<b>Overall</b>		<b>14,571</b>	<b>13,236</b>	<b>90.8%</b>	<b>3,653</b>	<b>25.1%</b>	<b>9,583</b>	<b>65.8%</b>

*Average Pronounced Sentences (Durations)*State Prison

The average length of a state prison sentence has fluctuated over time (Table 2). Numerous changes in sentencing practices and policies, as well as changes in the distribution of cases, can affect the average. Overall, however, sentence lengths have increased since 1989. It has fluctuated up and down in the high 40s to low 50s since then. The substantial increase in the average prison sentence after 1989 was due to both the increased presumptive sentences adopted by the Commission in 1989 and, until recent years, an increase in the number of upward durational departures.

Fluctuations since 1989 appear to be further impacted by changes to presumptive sentences and changes in the distribution of cases across severity and criminal history. In addition, variations in aggravated and mitigated durational departure rates have contributed to changes in the length of sentences pronounced. In 2005, the Commission widened the ranges on the Standard Grid; and in 2006, a separate Sex Offender Grid was introduced, giving higher presumptive sentences to repeat offenders and offenders with prior criminal history records. In 2011, 92 percent of the cases overall were eligible for the wider ranges on the Standard Grid and almost seven percent were eligible for sentences on the Sex Offender Grid. Among offenders receiving executed prison sentences (other than a life sentence), 87 percent were eligible to be sentenced from the revised Standard Grid with the wider ranges and 11 percent of the cases were eligible for presumptive sentences from the Sex Offender Grid.

The average pronounced sentence in 2011 was 45.6 months, a decrease from the 2010 average of 46.5 months. The average pronounced sentence varied by applicable Sentencing Grid: 97 months for offenders with presumptive sentences on the pre-2005 Grid, 42 months for offenders with presumptive sentences on the Grid with expanded ranges, and 70 months for offenders with presumptive sentences on the Sex Offender Grid. In 2011, 21 offenders received life sentences: 16 for first-degree murder and five for criminal sexual conduct. Seven of those life sentences were with possible release and the other 14 were life sentences with no release possible. Those offenders are excluded from the averaged pronounced prison sentence reported here.

**Table 2. Average Pronounced Prison Sentence**

Executed Prison Sentences (in months)

2011	45.6
2010	46.5
2009	42.8
2008	45.0
2007	44.8
2006	44.8
2005	45.7
2004	45.1
2003	51.2
2002	47.2
2001	49.8
2000	49.7
1999	47.9
1998	47.0
1997	44.5
1996	47.4
1995	48.5
1994	51.3
1993	46.9
1992	48.6
1991	45.2
1990	45.7
1989	37.7
1988	38.1
1987	36.3
1986	35.4
1985	38.4
1984	36.2
1983	36.5
1982	41.0
1981	38.3

Local Confinement (i.e., Local Correctional Facilities and Workhouses)

The average amount of local confinement pronounced as a condition of probation has remained largely constant since 1988. The average was 107 days in 2011, compared to 110 days in 2010, and 107 days in 2009 (Table 3).

Although information is available in the monitoring system regarding the amount of confinement a judge pronounces as a condition of probation, data on the actual amount of time served by the offender are not currently available in Minnesota. The average term pronounced as a condition of probation does not always provide a complete picture of how much time felons are spending on conditional confinement. For a variety of reasons, many offenders will not serve the full amount of time pronounced by the judge. Some offenders who have served time prior to sentencing may receive credit for this time off of the post-sentence time. Other offenders may be released to a treatment program. In addition, some offenders may serve a significant period of time prior to sentencing and additional time may not be pronounced as a condition of their probation.

Additional information on average pronounced sentences can be found in Tables 22 and 23 (pp. 64-69).

**Table 3. Average Local Confinement**

Local Confinement (in days)

2011	107
2010	110
2009	107
2008	109
2007	109
2006	111
2005	110
2004	112
2003	112
2002	106
2001	105
2000	104
1999	103
1998	107
1997	107
1996	107
1995	108
1994	113
1993	112
1992	109
1991	106
1990	110
1989	110
1988	108
1987	116
1986	113
1985	120
1984	126
1983	132
1982	144
1981	166

## Departures from the Sentencing Guidelines

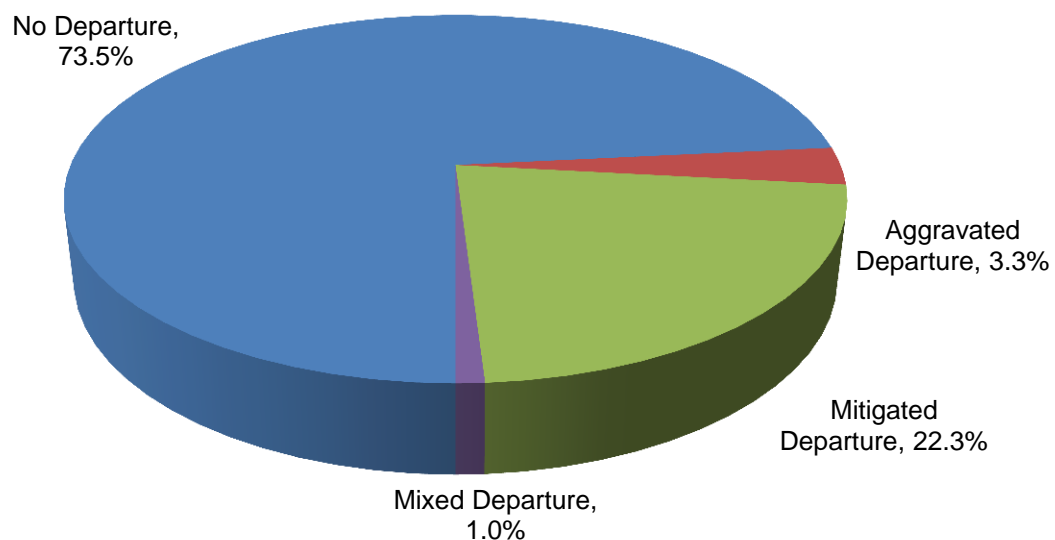
A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable Grid. There are two types of departures – dispositional and durational – as further explained below. Since the presumptive sentence is based on “the typical case,” the appropriate use of departures by the courts when substantial and compelling circumstances exist can actually enhance proportionality by varying the sanction in an atypical case.

While the court ultimately makes the sentencing decision, other criminal justice professionals and victims participate in the decision-making process. Probation officers make recommendations to the courts regarding whether a departure from the presumptive sentence is appropriate, and prosecutors and defense attorneys arrive at agreements regarding acceptable sentences for which an appeal will not be pursued. Victims are provided an opportunity to comment regarding the appropriate sentence as well. Therefore, these departure statistics should be reviewed with an understanding that, when the court pronounces a particular sentence, there is typically agreement or acceptance among the other actors that the sentence is appropriate. Only a small percent of cases (1% to 2%) result in an appeal of the sentence pronounced by the court.

In 2011, 73.5 percent of all felony offenders sentenced received the presumptive Guidelines sentence. The remaining 26.5 percent received some type of departure (Figure 9).

Additional departure information can be found in Tables 24-27 (pp. 70-73). Departure information by county can be found in Tables 28-30 (pp. 74-82).

**Figure 9. Overall Departure Rates**



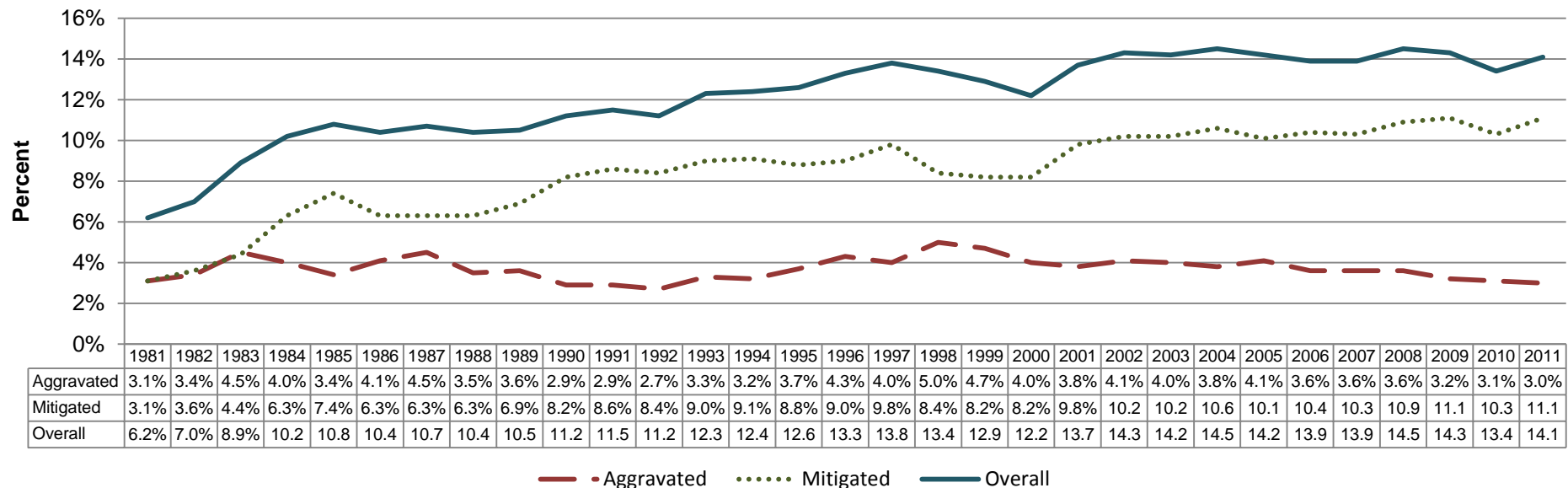


*Dispositional Departures*

**Dispositional Departures.** A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types of dispositional departures: aggravated dispositional departures and mitigated dispositional departures. An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence but the court pronounces a stayed sentence.

Overall, 2,054 offenders (14.1%) received a dispositional departure from the Guidelines. In 430 cases (3.0%), the offenders received prison when the Guidelines recommended probation. In 1,624 cases (11.1%), the offenders received probation when the Guidelines recommended prison. The majority of the increase in the overall departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 10).

**Figure 10. Dispositional Departure Rates: 1981-2011**

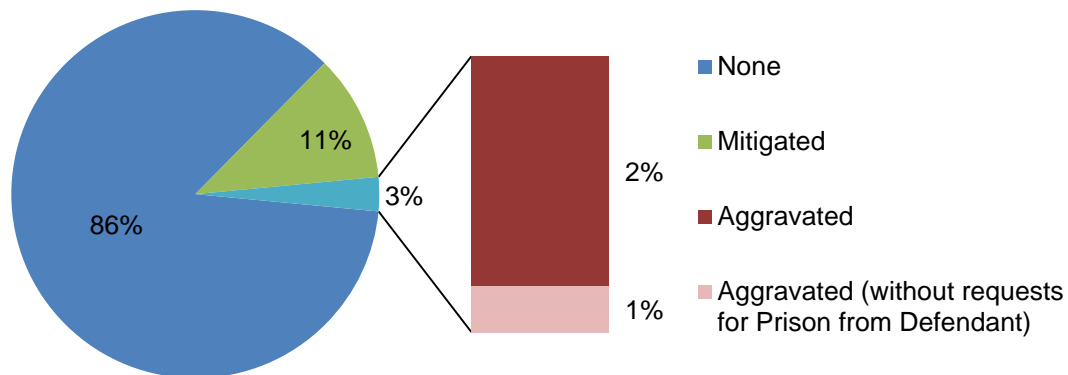


### Types of Dispositional Departures

**Aggravated dispositional departures:** Most aggravated dispositional departures occur when an offender with a presumptive stayed sentence requests an executed prison sentence or agrees to the departure as part of a plea agreement. This request is usually made in order for the offender to serve the sentence concurrently with another prison sentence. The Commission has generally included these cases in the departure figures because, for the given offense, the sentence is not the presumptive Guidelines sentence. As a measure of judicial compliance, however, the inclusion of these cases inflates the overall dispositional departure rate to 14 percent and the aggravated dispositional departure rate to three percent (as shown previously in Figure 10). However, if requests for prison are not included in the analysis, the aggravated dispositional departure rate is one percent (Figure 11). Because aggravated dispositional departures represent such a small percentage of cases, the remainder of this analysis on departures will focus on mitigated dispositional departures.

**Mitigated dispositional departures:** In 2011, approximately eleven percent of the overall cases sentenced had mitigated dispositional departures (Figures 10 and 11).

**Figure 11. Dispositional Departures  
with and without Requests for Prison from Defendant**



### Mitigated Dispositional Departure Rates by Gender, Race and Judicial District

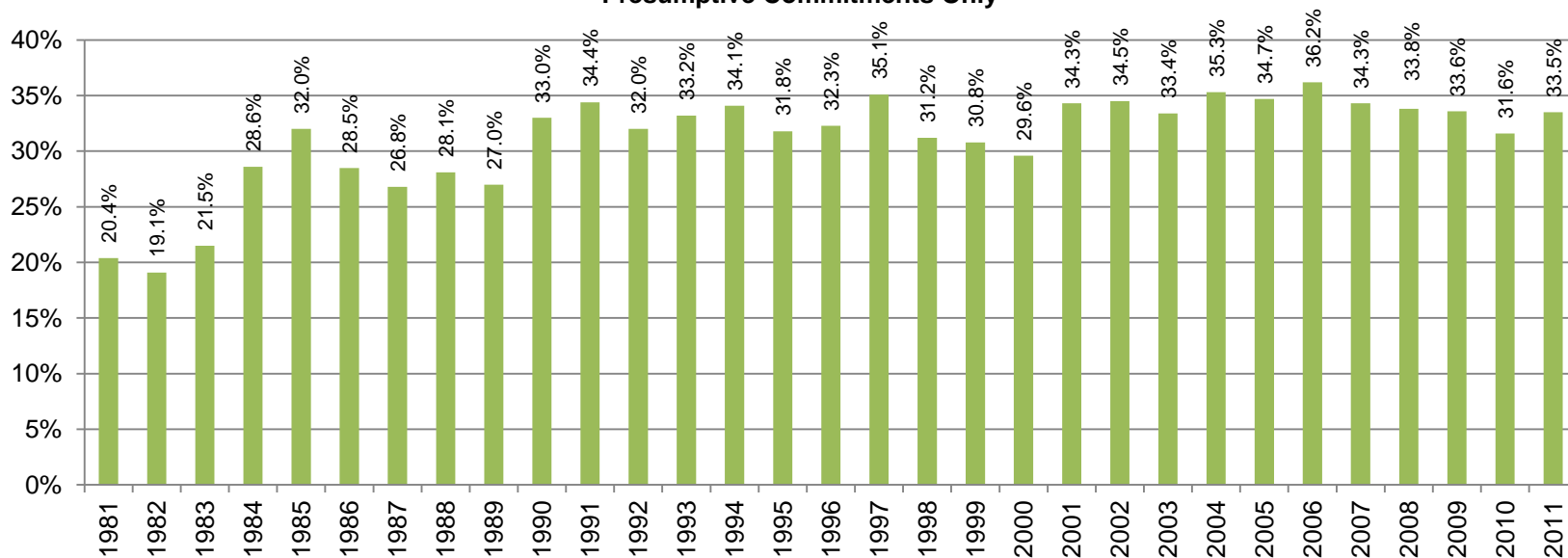
Table 24 (Page 70) illustrates dispositional departure rates by gender, race, and judicial district. The mitigated dispositional departure rate is lower for woman (8.3%) than men (11.7%). When examined by racial composition, the rate ranged from a low of 8.8 percent for Hispanic offenders to a high of 13.2 percent for black offenders. There was also a great deal of variation in the rate by Judicial District, ranging from lows of 8 percent and 7.5 percent in the Eighth and Third Judicial Districts, respectively, to a high of 15.5 percent in the Fourth Judicial District.

This next section focuses on departures for presumptive commit cases (those offenders who were recommended prison). As a result of having fewer cases, the departure rates are significantly higher than those overall.

#### Mitigated Dispositional Departure Rate for Presumptive Commitments

In 2011, the mitigated dispositional departure rate for offenders recommended prison under the Guidelines was just over 33 percent (1,624 of the 4,847 offenders recommended prison), which is higher than the rate observed in 2010 (Figure 12). The rate in 2010 was the lowest rate observed since 2000. The highest level ever observed was 36.2% in 2006.

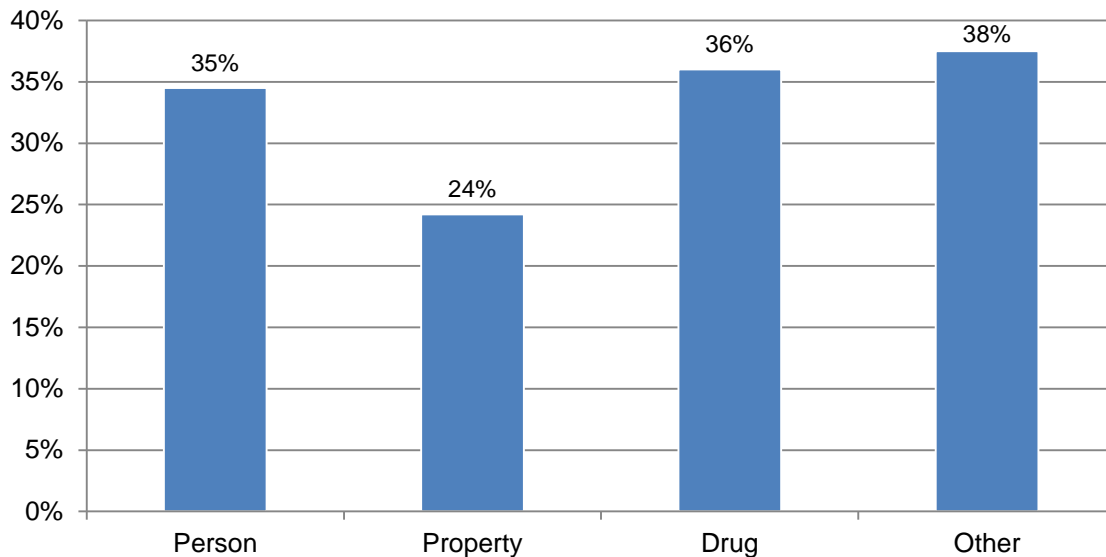
**Figure 12. Mitigated Dispositional Departure Rates: 1981-2011**  
Presumptive Commitments Only



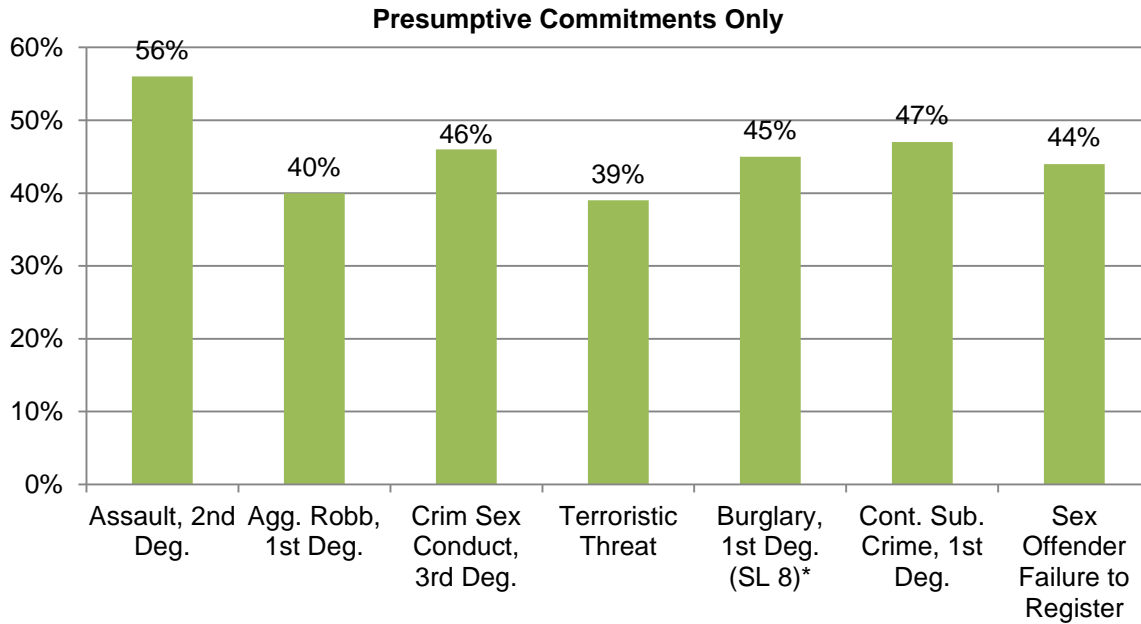
### Mitigated Dispositional Departure Rate by Offense Type

In addition to examining overall departure rates, it can be helpful to look at departure rates by offense type. Figure 13 displays the mitigated dispositional departure rate by offense type. The rate is lowest for property offenses.

**Figure 13. Mitigated Dispositional Departure by Offense Type  
Presumptive Commitments Only**



Even within offense types, departure rates vary. Figure 14 displays the mitigated dispositional departure rates for specific offenses that are higher than the overall rate of 33.5 percent. Included are offenses with 50 or more presumptive commitment cases and mitigated dispositional departure rates of over 38 percent.

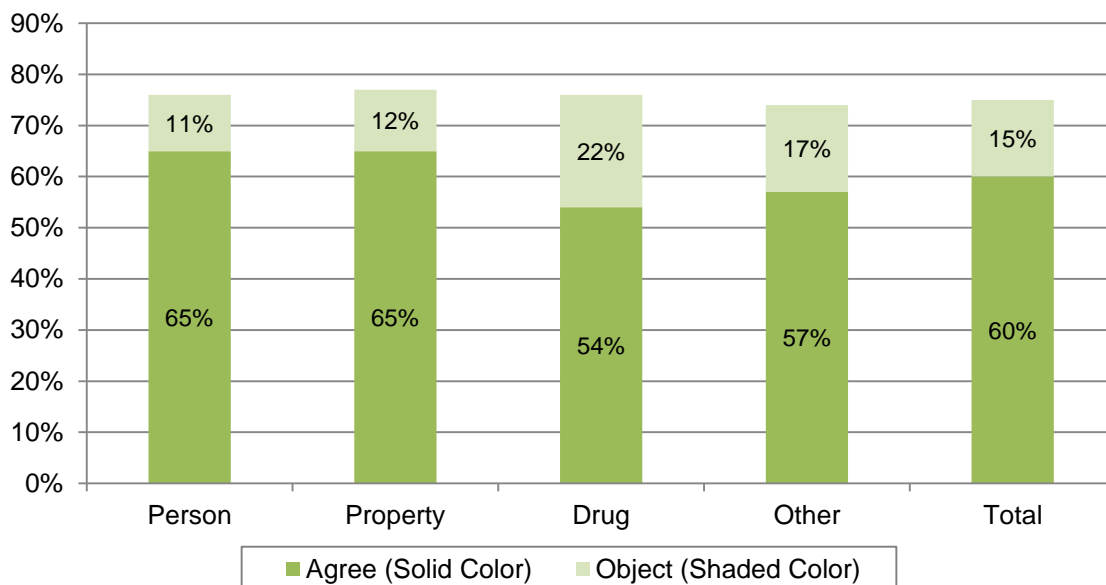
**Figure 14. Mitigated Dispositional Departure Rates For Specific Offenses**

\* Burglary with assault or dangerous weapon.

Two of these offenses, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute and also have statutory provisions allowing for departure from the mandatory minimum. Assault in the second degree, by statutory definition, involves the use of a dangerous weapon and carries a mandatory minimum prison sentence. However, injury to the victim may or may not occur. The type of dangerous weapon involved can vary widely, from a pool cue to a knife to a firearm. Circumstances surrounding the offense can also vary significantly, from barroom brawls to unprovoked confrontations. The mandatory minimum statute specifically permits the court to sentence without regard to the mandatory minimum, provided that reasons are presented by the court or the prosecutor. It is to be expected that there will be many departures in sentencing a crime that can be committed in many different ways. Failure to register also has a statutory mandatory minimum sentence, accompanied by a statutory provision that allows for sentencing without regard to the mandatory minimum.

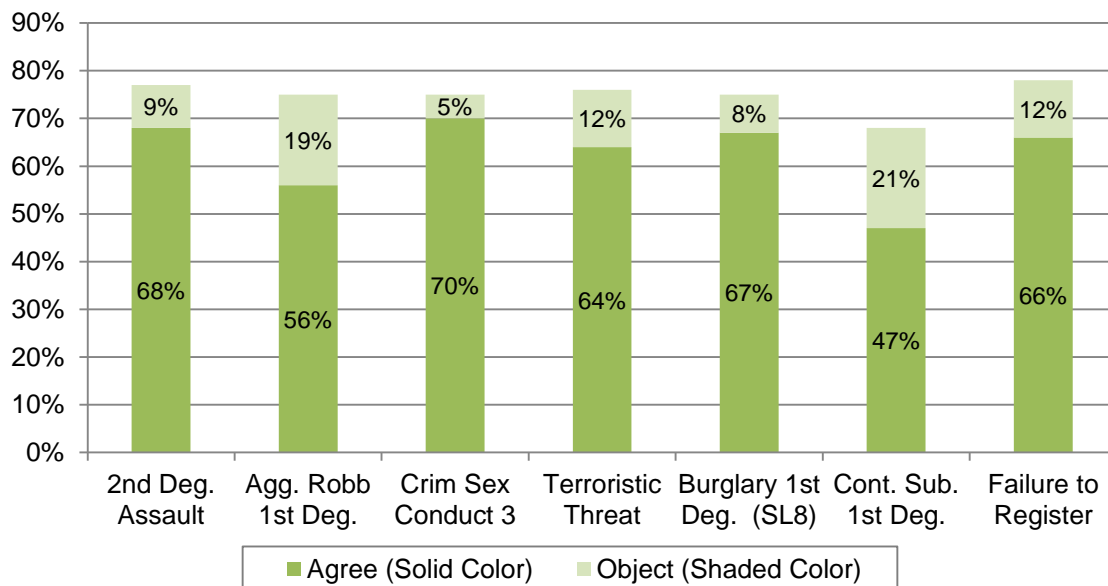
In 60 percent of the mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 15 percent of these cases, the court stated that the prosecutor objected to the departure. The court did not supply information on the prosecutor's position in 25 percent of these departures. Prosecutor agreement can vary by offense type (Figure 15) and offense (Figure 16). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited reasons for departure.

**Figure 15. Court-Cited Position of Prosecutor by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100% for each offense.

**Figure 16. Court-Cited Position of Prosecutor by Offense**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100% for each offense.

### *Durational Departures*

**Durational Departure.** A “durational departure” occurs when the court orders a sentence with a duration that is other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

The overall durational departure figures are given in Tables 25 and 26 (pp. 71-72). This section focuses on departures for executed prison sentences (those offenders for whom a prison sentence was imposed), which are shown in Figure 17. Since the enactment of the Guidelines, the mitigated durational departure rate has consistently been higher than the aggravated durational departure rate.

Both mitigated and aggravated durational departures increased until the early 2000s. The increase in mitigated durational departures was particularly striking in 1997 and in the period immediately following the 1989 changes to sentencing policy. In 2001 and 2002, the mitigated durational departure rate was the highest since the enactment of the Guidelines. However, there has been a decline in that rate in the years since. Likewise, the aggravated durational departure rate has been slowly declining since 2000, when it reached a high of almost twelve percent.

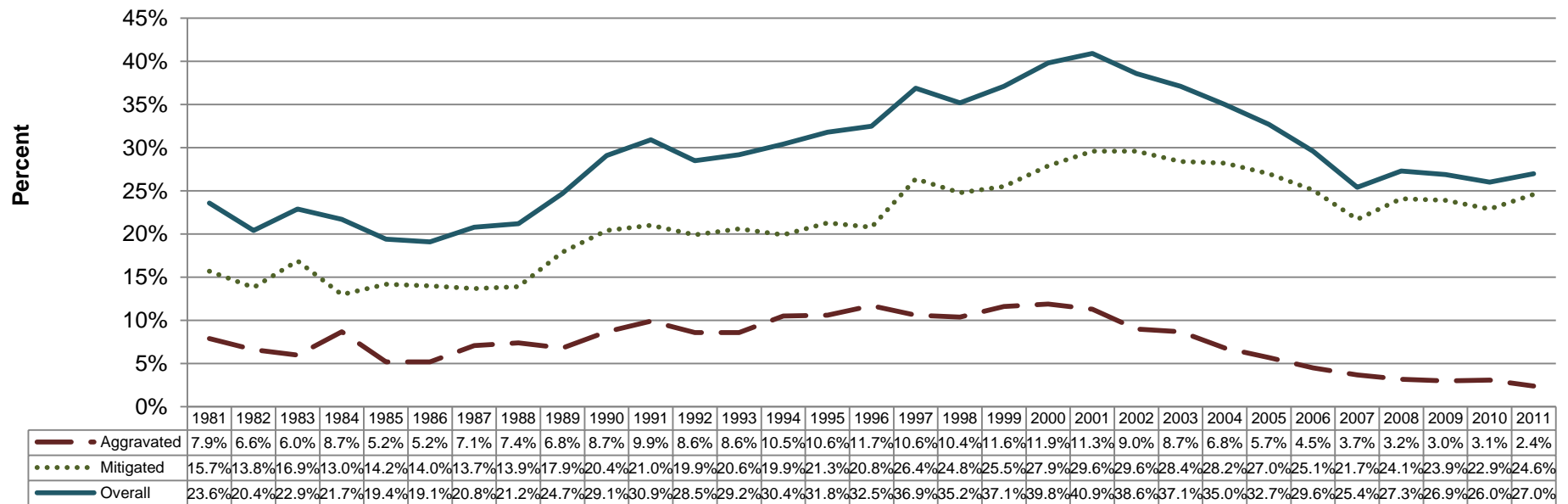
In 2011, the mitigated durational departure rate was slightly higher than observed in 2010, at approximately 25 percent. The aggravated durational departure rate reached the lowest level ever observed in 2011, at two percent. This trend likely reflects the impact of increased presumptive sentences over the past years and issues related to the U.S. Supreme Court ruling in *Blakely v. Washington*, holding that a defendant’s Sixth Amendment right to a jury trial was violated when the sentence imposed was below the stated statutory maximum sentence. The Court treated the presumptive sentence, rather than the statutory maximum sentence, as the punishment that could not be increased without a jury’s input (*Blakely v. Washington*, 1264 S. Ct. 2531 (2004)).

In response to the *Blakely* decision, the ranges on the Standard Grid within which the court may sentence without a departure were widened, effective August 1, 2005, to 15 percent below and 20 percent above the presumptive fixed sentenced. See 2005 Minn. Laws, ch. 136, art. 16 § 1. In 2006, a Sex Offender Grid was adopted. The Sex Offender Grid introduced higher presumptive sentences for repeat offenders and offenders with prior criminal history records.<sup>4</sup>

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<sup>4</sup> For a more in-depth examination of the effect of the *Blakely* decision on sentencing practices, see the MSGC special report: *Impact of Blakely and Expanded Ranges on Sentencing Grid*, at: [www.msgc.state.mn.us/msgc5/reports.htm#special\\_guidelines\\_reports](http://www.msgc.state.mn.us/msgc5/reports.htm#special_guidelines_reports).

**Figure 17. Durational Departure Rates: 1981-2011**  
Executed Prison Sentences Only



#### Durational Departure Rates by Gender, Race and Judicial District

Table 27 (Page 73) illustrates durational departure rates for executed prison sentences by gender, race, and judicial district. As a percentage, male offenders received roughly the same durational departures as female offenders (27% vs. 27.4%). When the departure rate is examined by racial composition, the rate varies from a low of 22 percent for white offenders to a high of 35 percent for black offenders. There is also considerable variation in mitigated durational departure rates by judicial district, ranging from a low of 8.6 percent in the Third Judicial District to a high of 45.7 percent in the Fourth Judicial District.



### Durational Departures by Offense Type

As with dispositional departures, it can be useful to look at durational departures by offense type. As Figure 18 demonstrates, drug offenses consistently have higher mitigated durational departure rates and lower aggravated durational departure rates than most other offenses. Person offenses had the highest aggravated durational departure rate at 3.7 percent.

**Figure 18. Durational Departures by Offense Type**  
Executed Prison Sentences Only

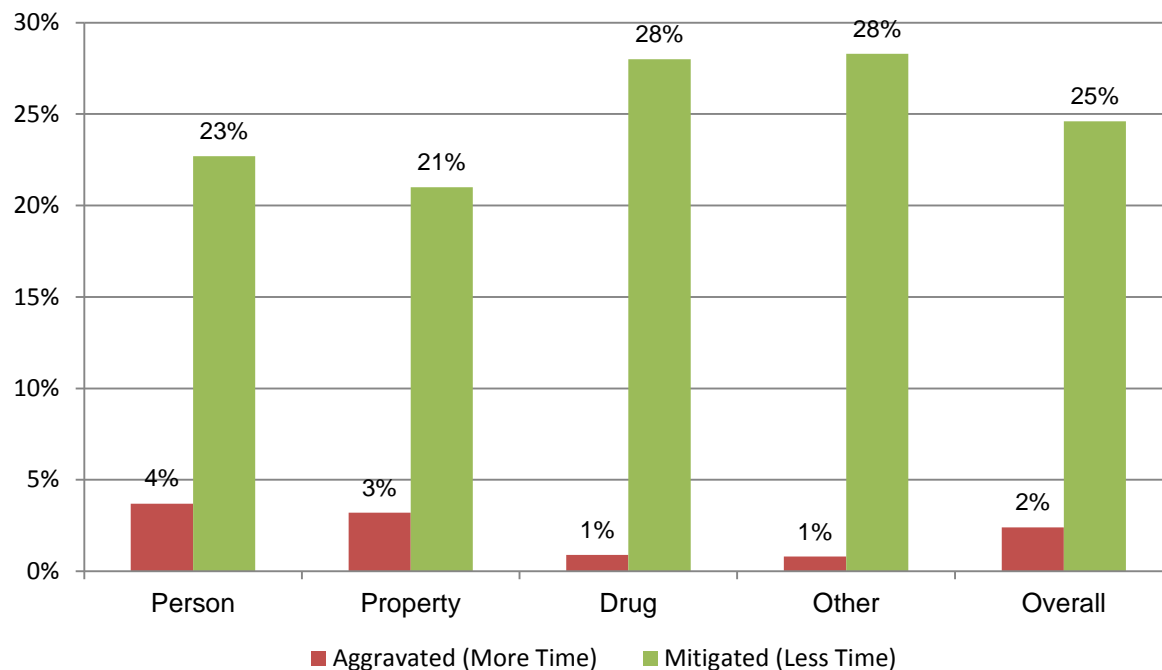
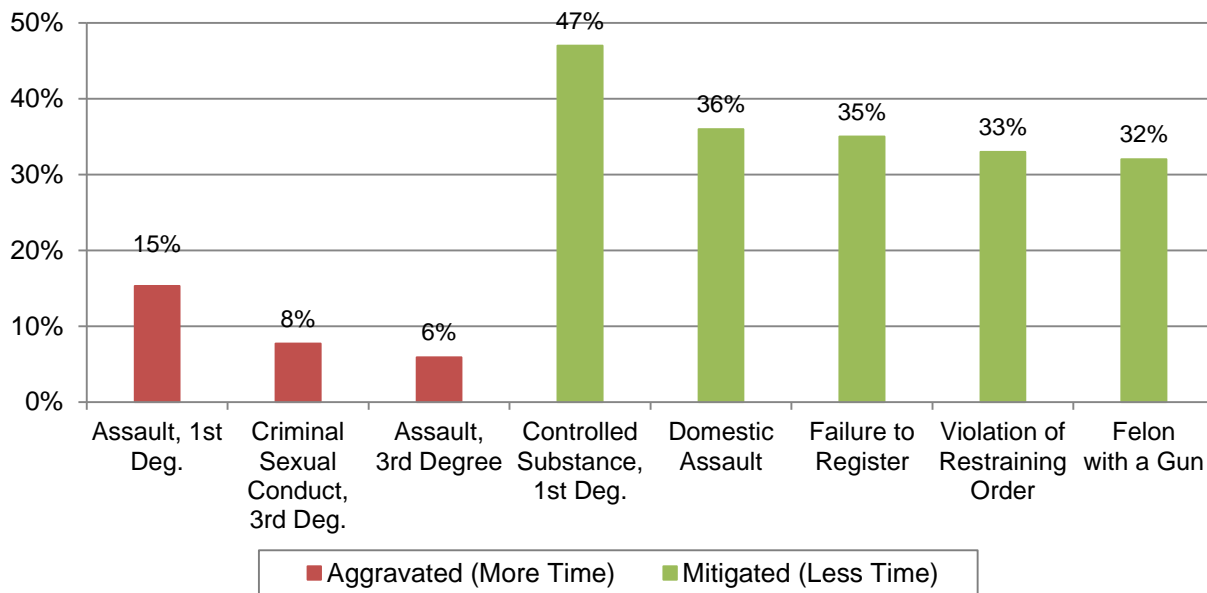


Figure 19 displays offenses with the highest durational departure rates among offenses with at least 50 executed prison cases. Aggravated durational departure rates were highest for first-degree assault, third-degree criminal sexual conduct, and third-degree assault. Mitigated durational departure rates were highest for first-degree controlled substance offenses, domestic assault, failure to register as a predatory offender, violation of a restraining order, and felon with a gun.

**Figure 19. High Durational Departure Rates for Specific Offenses  
Executed Prison Sentences Only**

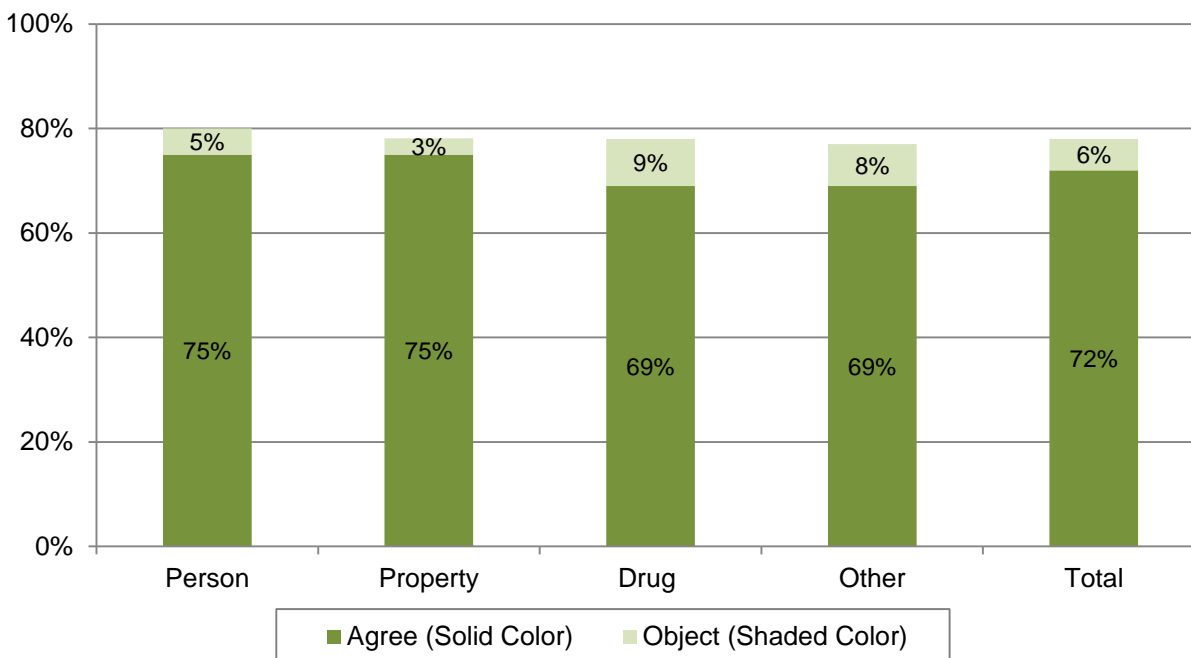


For both mitigated and aggravated durational departures, plea agreement or recommendation of the prosecutor was the most frequently cited reason for departure for all offense types.

In 72 percent of the mitigated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure (Figure 20). In six percent of these cases, the court stated that the prosecutor objected to the departure. These rates varied somewhat by offense (Figure 21).

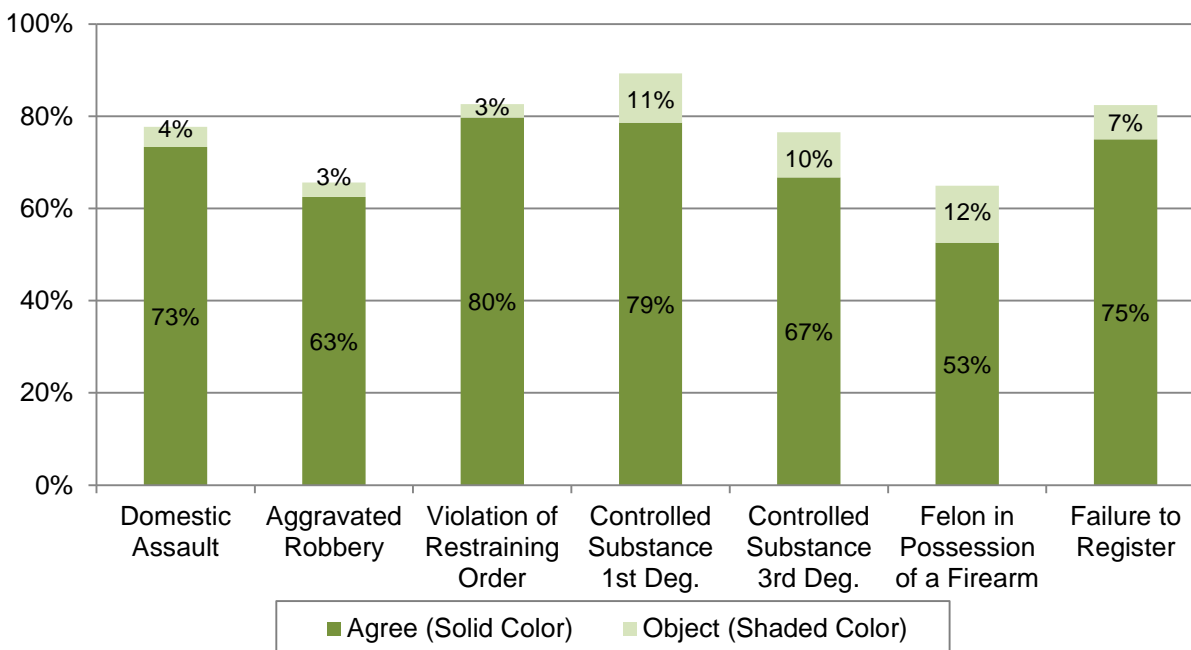
In 60 percent of the aggravated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 40 percent of the aggravated durational departures, the court did not provide information on the position of the prosecutor. There were no cases in which the court stated that the prosecutor objected to the aggravated durational departure (Figure 22).

**Figure 20. Mitigated Durational Departures:  
Court-Cited Position of Prosecutor, by Offense Type**



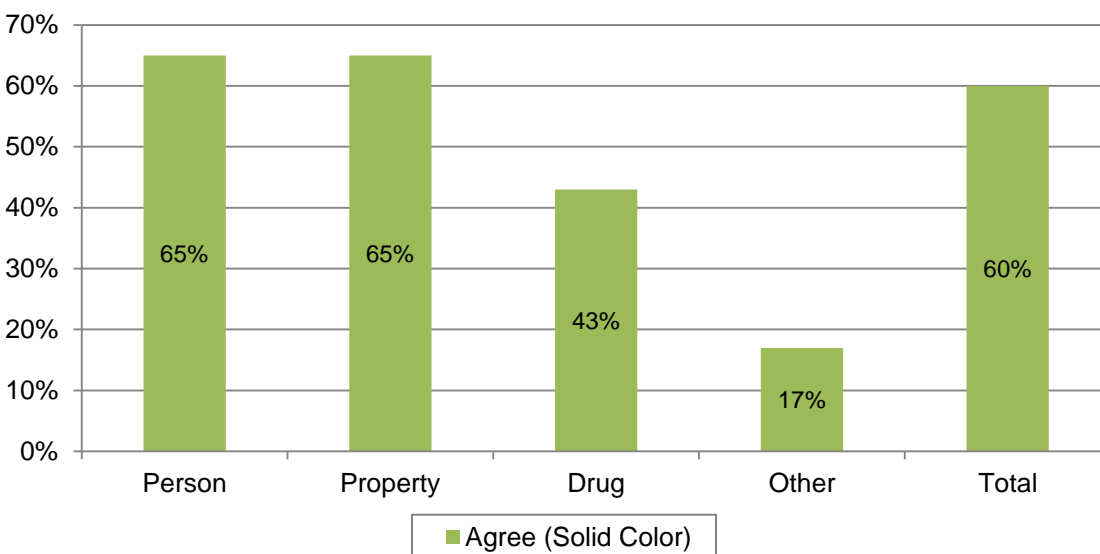
Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

**Figure 21. Mitigated Durational Departures:  
Court-Cited Position of Prosecutor, by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

**Figure 22. Aggravated Durational Departures:  
Court-Cited Position of Prosecutor by Offense Type**



Note: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense.

## Data Tables

### *Felony Convictions Receiving Misd./Gross Misd. Sentences*

Under Minn. Stat. § [609.13](#), if the court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a departure because it is outside of the appropriate range on the applicable Grid (i.e., a duration of less than one year and one day). There are relatively few of these departures each year, though the number has been steadily increasing over time. In 2011, over five percent of offenders received a misdemeanor or gross misdemeanor sentence, the highest percentage ever observed (Table 4).

**Table 4. Percent of Felony-Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences: 1981-2011**

Year	Total Number of Offenders	Number Receiving Non-Felony Sentences	Percent Receiving Non-Felony Sentences
2011	14,571	793	5.4%
2010	14,311	754	5.3%
2009	14,840	584	3.9%
2008	15,394	498	3.2%
2007	16,168	512	3.2%
2006	16,446	440	2.7%
2005	15,462	305	2.0%
2004	14,751	341	2.3%
2003	14,492	365	2.5%
2002	12,978	295	2.3%
2001	10,796	235	2.2%
2000	10,395	215	2.1%
1999	10,634	215	2.0%
1998	10,887	216	2.0%
1997	9,847	137	1.4%
1996	9,480	144	1.5%
1995	9,421	89	0.9%
1994	9,787	110	1.1%
1993	9,637	125	1.3%
1992	9,325	89	1.0%
1991	9,161	87	1.0%
1990	8,844	67	0.8%
1989	7,974	61	0.8%
1988	7,572	52	0.7%
1987	6,674	60	0.9%
1986	6,032	55	0.9%
1985	6,236	62	1.0%
1984	5,792	58	1.0%
1983	5,562	44	0.8%
1982	6,066	66	1.1%
1981	5,500	115	2.1%

*Case Volume and Distribution***Table 5. Volume of Offenders by Gender: 1981-2011**

Year	Total Number Offenders	Males			Females	
		Number	Percent		Number	Percent
2011	14,571	12,150	83.4		2,421	16.6
2010	14,311	11,926	83.3		2,385	16.7
2009	14,840	12,293	82.8		2,547	17.2
2008	15,394	12,654	82.2		2,740	17.8
2007	16,168	13,322	82.4		2,846	17.6
2006	16,446	13,549	82.4		2,897	17.6
2005	15,462	12,687	82.1		2,775	17.9
2004	14,751	12,063	81.8		2,688	18.2
2003	14,492	12,027	83.0		2,465	17.0
2002	12,978	10,654	82.1		2,324	17.9
2001	10,796	8,829	81.8		1,967	18.2
2000	10,395	8,565	82.4		1,830	17.6
1999	10,634	8,771	82.5		1,863	17.5
1998	10,887	8,998	82.6		1,889	17.4
1997	9,847	8,073	82.0		1,774	18.0
1996	9,480	7,781	82.1		1,699	17.9
1995	9,421	7,739	82.1		1,682	17.9
1994	9,787	8,067	82.4		1,720	17.6
1993	9,637	8,011	83.1		1,626	16.9
1992	9,325	7,834	84.0		1,491	16.0
1991	9,161	7,727	84.3		1,434	15.7
1990	8,844	7,405	83.7		1,439	16.3
1989	7,974	6,661	83.5		1,313	16.5
1988	7,572	6,358	84.0		1,214	16.0
1987	6,674	5,574	83.5		1,100	16.5
1986	6,032	5,078	84.2		954	15.8
1985	6,236	5,278	84.6		958	15.4
1984	5,792	5,050	87.2		742	12.8
1983	5,562	4,788	86.1		774	13.9
1982	6,066	5,248	86.5		818	13.5
1981	5,500	4,896	89.0		604	11.0

Table 6. Volume of Offenders by Offense Type: 1981-2011

Year	Person		Property		Drug		Other		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total
2011	4,679	32.1%	4,232	29.0%	3,409	23.4%	2,251	15.4%	14,571
2010	4,599	32.1%	4,334	30.3%	3,326	23.2%	2,052	14.3%	14,311
2009	4,509	30.4%	4,651	31.3%	3,578	24.1%	2,102	14.2%	14,840
2008	4,244	27.6%	5,003	32.5%	3,878	25.2%	2,269	14.7%	15,394
2007	4,121	25.5%	5,650	34.9%	4,167	25.8%	2,230	13.8%	16,168
2006	3,841	23.4%	5,888	35.8%	4,485	27.3%	2,232	13.6%	16,446
2005	3,396	22.0%	5,455	35.3%	4,366	28.2%	2,245	14.5%	15,462
2004	3,180	21.6%	5,349	36.3%	4,038	27.4%	2,184	14.8%	14,751
2003	3,152	21.7%	5,395	37.2%	3,896	26.9%	2,049	14.1%	14,492
2002	2,951	22.7%	5,271	40.6%	3,424	26.4%	1,332	10.3%	12,978
2001	2,667	24.7%	4,470	41.4%	2,596	24.0%	1,063	9.8%	10,796
2000	2,575	24.8%	4,291	41.3%	2,596	25.0%	933	9.0%	10,395
1999	2,714	25.5%	4,634	43.6%	2,391	22.5%	895	8.4%	10,634
1998	2,783	25.6%	4,732	43.5%	2,542	23.3%	830	7.6%	10,887
1997	2,543	25.8%	4,651	47.2%	2,127	21.6%	526	5.3%	9,847
1996	2,620	27.6%	4,731	49.9%	1,695	17.9%	434	4.6%	9,480
1995	2,726	28.9%	4,527	48.1%	1,719	18.2%	449	4.8%	9,421
1994	2,881	29.4%	4,777	48.8%	1,692	17.3%	437	4.5%	9,787
1993	2,602	27.0%	4,932	51.2%	1,800	18.7%	303	3.1%	9,637
1992	2,438	26.1%	4,742	50.9%	1,830	19.6%	315	3.4%	9,325
1991	2,305	25.2%	4,897	53.5%	1,693	18.5%	266	2.9%	9,161
1990	2,246	25.4%	4,589	51.9%	1,811	20.5%	198	2.2%	8,844
1989	1,862	23.4%	4,296	53.9%	1,602	20.1%	214	2.7%	7,974
1988	1,881	24.8%	4,310	56.9%	1,180	15.6%	201	2.7%	7,572
1987	1,577	23.6%	4,145	62.1%	766	11.5%	186	2.8%	6,674
1986	1,377	22.8%	3,867	64.1%	651	10.8%	137	2.3%	6,032
1985	1,590	25.5%	3,841	61.6%	651	10.4%	154	2.5%	6,236
1984	1,484	25.6%	3,561	61.5%	620	10.7%	127	2.2%	5,792
1983	1,204	21.6%	3,664	65.9%	585	10.5%	109	2.0%	5,562
1982	1,267	20.9%	3,965	65.4%	689	11.4%	145	2.4%	6,066
1981	1,145	20.8%	3,438	62.5%	808	14.7%	109	2.0%	5,500

Table 7. Volume of Offenders by Race/Ethnicity: 1981-2011

Year	Total Number Offenders	White		Black		American Indian		Hispanic		Asian		Other	
		#	%	#	%	#	%	#	%	#	%	#	%
2011	14,571	8,346	57.3	4,007	27.5	998	6.8	864	5.9	356	2.4	0	0.0
2010	14,311	8,125	56.8	3,975	27.8	934	6.5	946	6.6	331	2.3	0	0.0
2009	14,840	8,384	56.5	4,175	28.1	965	6.5	1005	6.8	311	2.1	0	0.0
2008	15,394	8,970	58.3	4,255	27.6	918	6.0	901	5.9	348	2.3	2	0.0
2007	16,168	9,684	59.9	4,213	26.1	1,020	6.3	912	5.6	334	2.1	5	0.0
2006	16,446	10,133	61.6	4,110	25.0	973	5.9	900	5.5	326	2.0	4	0.0
2005	15,462	9,615	62.2	3,742	24.2	930	6.0	848	5.5	308	2.0	19	0.1
2004	14,751	9,278	62.9	3,620	24.5	922	6.3	691	4.7	240	1.6	0	0.0
2003	14,492	8,983	62.0	3,513	24.2	899	6.2	737	5.1	322	2.2	38	0.3
2002	12,978	7,804	60.1	3,460	26.7	709	5.5	697	5.4	237	1.8	71	0.5
2001	10,796	6,462	59.9	2,910	27.0	651	6.0	558	5.2	211	2.0	4	0.0
2000	10,395	6,096	58.6	2,915	28.0	599	5.8	558	5.4	158	1.5	69	0.7
1999	10,634	6,255	58.8	2,944	27.7	614	5.8	585	5.5	181	1.7	55	0.5
1998	10,887	6,491	59.6	3,027	27.8	588	5.4	565	5.2	162	1.5	54	0.5
1997	9,847	5,813	59.0	2,809	28.5	560	5.7	489	5.0	132	1.3	44	0.4
1996	9,480	5,680	59.9	2,541	26.8	516	5.4	534	5.6	168	1.8	41	0.4
1995	9,421	5,793	61.5	2,537	26.9	455	4.8	457	4.9	152	1.6	27	0.3
1994	9,787	6,166	63.0	2,401	24.5	515	5.3	505	5.2	176	1.8	24	0.2
1993	9,637	6,249	64.8	2,224	23.1	535	5.6	459	4.8	132	1.4	38	0.4
1992	9,325	6,311	67.7	2,085	22.4	432	4.6	360	3.9	105	1.1	32	0.3
1991	9,161	6,392	69.8	1,813	19.8	468	5.1	368	4.0	91	1.0	29	0.3
1990	8,844	6,310	71.3	1,732	19.6	408	4.6	300	3.4	69	0.8	25	0.3
1989	7,974	5,767	72.3	1,510	18.9	412	5.2	215	2.7	46	0.6	24	0.3
1988	7,572	5,483	72.4	1,437	19.0	397	5.2	203	2.7	35	0.5	17	0.2
1987	6,674	5,073	76.0	1,066	16.0	367	5.5	124	1.9	27	0.4	17	0.3
1986	6,032	4,627	76.7	865	14.3	337	5.6	160	2.7	25	0.4	18	0.3
1985	6,236	4,815	77.2	898	14.4	332	5.3	143	2.3	19	0.3	29	0.5
1984	5,792	4,608	79.6	735	12.7	301	5.2	113	2.0	16	0.3	19	0.3
1983	5,562	4,406	79.2	748	13.4	271	4.9	114	2.1	9	0.2	15	0.3
1982	6,066	4,912	81.0	751	12.4	263	4.3	103	1.7	16	0.3	21	0.3
1981	5,500	4,498	81.8	596	10.8	306	5.6	86	1.6	10	0.2	4	0.1



Table 8. Offenses by Race: 2011

Offense Title	Total Number <sup>*</sup>	White	Black	American Indian	Hispanic	Asian
<b>Person Offenses</b>	4,679	48.4%	34.6%	8.0%	6.7%	2.3%
Accidents	3	66.7%	0.0%	33.3%	0.0%	0.0%
Aggravated Robbery 1	181	27.6%	57.5%	7.2%	5.0%	2.8%
Aggravated Robbery 2	39	28.2%	59.0%	7.7%	0.0%	5.1%
Assault 1	79	41.8%	32.9%	7.6%	11.4%	6.3%
Assault 2	293	43.0%	41.0%	8.5%	5.8%	1.7%
Assault 3	426	49.3%	31.0%	11.5%	6.8%	1.4%
Assault 4	178	57.9%	19.1%	19.1%	3.4%	0.6%
Assault 5	60	45.0%	40.0%	8.3%	6.7%	0.0%
Coercion	5	80.0%	20.0%	0.0%	0.0%	0.0%
Criminal Sexual Conduct (CSC) 1	150	56.0%	24.0%	4.0%	13.3%	2.7%
CSC 2	127	66.9%	6.3%	3.1%	19.7%	3.9%
CSC 3	214	54.7%	21.0%	1.9%	19.2%	3.3%
CSC 4	89	64.0%	20.2%	5.6%	7.9%	2.2%
CSC 5	2	50.0%	0.0%	0.0%	50.0%	0.0%
Criminal Vehicular Homicide	34	79.4%	5.9%	8.8%	0.0%	5.9%
Crim. Vehicular Injury (severity=3)	56	83.9%	5.4%	3.6%	5.4%	1.8%
Crim. Vehicular Injury (severity=5)	31	74.2%	6.5%	16.1%	3.2%	0.0%
Domestic Assault	529	43.5%	39.5%	11.5%	4.5%	0.9%
Domestic Assault by Strangulation	260	46.5%	39.2%	5.8%	7.3%	1.2%
Drive-by Shooting	11	18.2%	45.5%	9.1%	18.2%	9.1%
False Imprisonment	10	70.0%	20.0%	0.0%	10.0%	0.0%
Kidnapping(severity=8/9)	4	25.0%	50.0%	25.0%	0.0%	0.0%
Kidnapping (severity=6)	2	50.0%	50.0%	0.0%	0.0%	0.0%
Malicious Punishment of a Child	37	59.5%	24.3%	8.1%	2.7%	5.4%
Manslaughter 1 (severity=9)	3	66.7%	0.0%	33.3%	0.0%	0.0%
Manslaughter 2 (severity=8)	7	71.4%	28.6%	0.0%	0.0%	0.0%
Murder 1	22	27.3%	40.9%	27.3%	0.0%	4.5%
Murder 2 (severity=10)	15	20.0%	53.3%	6.7%	20.0%	0.0%
Murder 2 (severity=11)	26	19.2%	57.7%	7.7%	11.5%	3.8%
Murder 3	2	100.0%	0.0%	0.0%	0.0%	0.0%
Other Person Offenses <sup>**</sup>	35	51.4%	31.4%	14.3%	2.9%	5.7%

<sup>\*</sup> Includes offenders categorized under the "unknown/other" race type.

<sup>\*\*</sup> Offenses having low numbers of offenders are grouped in the "other" categories.

Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian
Parental Rights	12	83.3%	16.7%	0.0%	0.0%	0.0%
Simple Robbery	138	25.4%	61.6%	8.7%	3.6%	0.7%
Solicit Minor for Sex	17	94.1%	0.0%	0.0%	5.9%	0.0%
Stalking (severity=4)	32	46.9%	34.4%	6.2%	9.4%	3.1%
Stalking (severity=5)	54	53.7%	27.8%	5.6%	7.4%	5.6%
Terroristic Threats (severity=1, 2)	17	70.6%	17.6%	0.0%	5.9%	5.9%
Terroristic Threats (severity=4)	662	55.4%	29.2%	5.0%	6.3%	4.1%
Violate Restraining Order	715	42.4%	44.3%	7.4%	3.6%	2.2%
<b>Property Offenses</b>	<b>4,232</b>	<b>62.1%</b>	<b>24.4%</b>	<b>6.0%</b>	<b>4.7%</b>	<b>2.8%</b>
Arson 1	13	53.8%	30.8%	7.7%	7.7%	0.0%
Arson 2	19	68.4%	10.5%	5.3%	15.8%	0.0%
Arson 3	7	85.7%	14.3%	0.0%	0.0%	0.0%
Burglary 1 (severity=6)	200	46.5%	36.5%	9.5%	5.0%	2.5%
Burglary 1 (severity=8)	87	43.7%	39.1%	11.5%	4.6%	1.1%
Burglary 2 (severity=4)	40	77.5%	20.0%	2.5%	0.0%	0.0%
Burglary 2 (severity=5)	410	61.0%	27.1%	6.6%	4.1%	1.2%
Burglary 3	479	68.7%	17.3%	8.1%	4.2%	1.7%
Check Forgery (severity=1)	22	95.5%	0.0%	4.5%	0.0%	0.0%
Check Forgery (severity=2)	263	57.8%	32.3%	4.2%	1.9%	3.8%
Check Forgery (severity=3)	53	62.3%	28.3%	3.8%	1.9%	3.8%
Check Forgery (severity=5)	1	100.0%	0.0%	0.0%	0.0%	0.0%
Counterfeit Check	36	36.1%	55.6%	5.6%	2.8%	0.0%
Criminal Damage to Property	170	69.4%	21.8%	5.3%	2.4%	1.2%
Financial Transaction Card Fraud	259	61.0%	31.7%	4.2%	1.5%	1.5%
Identity Theft	54	55.6%	27.8%	0.0%	9.3%	7.4%
Issue Dishonored Check	121	76.0%	9.9%	8.3%	1.7%	4.1%
Mail Theft	8	87.5%	12.5%	0.0%	0.0%	0.0%
MV Use w/o Consent (severity=3)	305	58.0%	20.0%	9.5%	4.6%	7.9%
Other Forgery	74	29.7%	13.5%	1.4%	55.4%	0.0%
Other Property Offenses**	68	75.0%	13.2%	4.4%	7.4%	0.0%
Poss. Shoplifting Gear	24	54.2%	37.5%	8.3%	0.0%	0.0%
Possess Burglary Tools	129	51.2%	31.0%	4.7%	5.4%	7.8%
Receiving Stolen Property	347	70.3%	17.6%	4.9%	3.7%	3.5%
Theft	866	65.6%	22.9%	6.1%	3.0%	2.4%
Theft from Person	75	16.0%	80.0%	4.0%	0.0%	0.0%

\*\* Offenses having low numbers of offenders are grouped in the "other" categories.

Offense Title	Total Number *	White	Black	American Indian	Hispanic	Asian
Theft of a Firearm	36	75.0%	16.7%	2.8%	2.8%	2.8%
Theft of MV (severity=4)	29	62.1%	10.3%	3.4%	6.9%	17.2%
Theft Over \$35,000	39	87.2%	7.7%	0.0%	5.1%	0.0%
Wrongfully Obtaining Assistance	85	49.4%	27.1%	2.4%	20.0%	1.2%
Drug Offenses	3,409	61.3%	23.7%	5.6%	7.0%	2.4%
Con Sub Intent to Manufacture	10	100.0%	0.0%	0.0%	0.0%	0.0%
Controlled Substance 1	226	42.0%	25.7%	2.2%	27.4%	2.7%
Controlled Substance 2	355	50.4%	24.5%	5.6%	15.5%	3.9%
Controlled Substance 3	454	49.1%	34.8%	4.6%	8.1%	3.3%
Controlled Substance 4	155	73.5%	16.8%	5.2%	2.6%	1.9%
Controlled Substance 5	2,159	66.6%	21.6%	6.2%	3.6%	2.0%
Other Drug Offenses **	50	66.6%	24.0%	6.0%	2.0%	2.0%
Other Offenses	2,251	60.5%	24.4%	8.0%	5.1%	2.0%
Accomplice After the Fact	26	46.2%	46.2%	0.0%	7.7%	0.0%
Aid Offender	38	57.9%	18.4%	13.2%	7.9%	2.6%
Bribery	4	0.0%	50.0%	25.0%	25.0%	0.0%
Child Porn	125	95.2%	2.4%	0.8%	1.6%	0.0%
Discharge Firearm	27	55.6%	22.2%	7.4%	11.1%	3.7%
Escape (severity=3)	42	42.9%	28.6%	19.0%	9.5%	0.0%
Fail to Register	351	52.7%	30.5%	10.0%	4.0%	2.8%
Failure to Appear	17	41.2%	35.3%	17.6%	5.9%	0.0%
Felon with Gun	274	34.3%	50.4%	7.7%	4.4%	3.3%
Felony DWI	660	69.1%	15.6%	8.3%	5.5%	1.5%
Flee Police in MV	375	67.2%	18.7%	7.2%	5.1%	1.9%
Lottery Fraud	5	80.0%	0.0%	20.0%	0.0%	0.0%
Obstruct Legal Process	9	88.9%	11.1%	0.0%	0.0%	0.0%
Other "Other" Offenses **	259	57.9%	25.9%	8.1%	5.0%	3.1%
Other Weapon Related	29	44.8%	51.7%	0.0%	3.4%	0.0%
Perjury	10	60.0%	10.0%	0.0%	30.0%	0.0%
Prostitution	5	60.0%	40.0%	0.0%	0.0%	0.0%
Tamper with Witness	10	60.0%	30.0%	10.0%	0.0%	0.0%
<b>Total</b>	<b>14571</b>	<b>57.3%</b>	<b>27.5%</b>	<b>6.8%</b>	<b>5.9%</b>	<b>2.4%</b>

\*\* Offenses having low numbers of offenders are grouped in the "other" categories.

**Table 9. Volume of Offenders by Judicial District: 1981-2011**

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2011	1,1756	1,961	1,232	2,936	661	921	1,472	401	1,183	2,048
2010	1,762	1,794	1,346	2,987	700	861	1,393	401	1,098	1,969
2009	1,611	2,010	1,285	3,278	720	835	1,512	402	1,141	2,046
2008	1,634	2,009	1,355	3,337	802	866	1,631	400	1,170	2,190
2007	1,818	2,060	1,440	3,403	818	880	1,706	387	1,202	2,454
2006	1,800	2,057	1,348	3,630	822	1,014	1,646	432	1,220	2,477
2005	1,833	2,032	1,221	3,096	741	930	1,653	389	1,216	2,351
2004	1,648	1,928	1,206	3,177	664	837	1,579	392	1,206	2,114
2003	1,899	1,955	1,173	3,095	660	854	1,483	343	1,100	1,930
2002	1,468	1,901	878	2,984	611	793	1,253	298	1,012	1,780
2001	1,229	1,670	750	2,516	420	672	1,013	238	834	1,454
2000	1,031	1,637	613	2,761	419	604	948	264	833	1,285
1999	1,205	1,590	603	2,739	390	627	985	261	792	1,442
1998	1,043	1,834	588	2,782	498	694	999	274	814	1,361
1997	953	1,647	526	2,449	424	577	897	234	750	1,390
1996	968	1,636	487	2,134	487	543	871	214	860	1,280
1995	975	1,735	516	2,158	447	525	864	192	760	1,249
1994	1,036	1,673	565	2,273	542	547	921	181	762	1,287
1993	865	1,497	673	2,289	529	541	965	234	794	1,250
1992	891	1,499	527	2,370	482	546	810	192	726	1,282
1991	909	1,466	567	2,345	444	535	742	233	698	1,222
1990	811	1,501	562	2,258	385	530	683	209	681	1,224
1989	711	1,212	507	2,183	344	496	620	218	608	1,075
1988	624	1,133	452	2,213	314	424	713	141	605	953
1987	591	984	454	1,551	353	454	674	149	547	917
1986	478	1,038	394	1,324	375	469	595	180	503	676
1985	520	945	431	1,490	310	412	615	173	602	738
1984	477	860	375	1,362	325	417	565	194	522	695
1983	409	965	383	1,248	317	438	514	165	440	683
1982	545	992	411	1,268	391	459	532	203	446	819
1981	413	784	382	1,287	315	551	439	186	503	640

**How to read Table 10:** Due to the addition of a severity level on the Standard Grid for offenses committed on or after August 1, 2002, it was necessary to modify the way this information is reported. The severity levels reflected in this table represent the current ranking of an offense. Offenses formerly ranked at Severity Levels 8, 9, and 10 are reported here as Severity Levels 9, 10, and 11, to reflect their current rankings; the presumptive sentence for these offenses did not change. In August 2006, the Sex Offender Grid went into effect. Those offenders are excluded from the table displaying the distribution by severity level groups.

**Table 10. Volume of Offenders by Severity Level Group and Criminal History Score Group:1978, 1981-2011**

Year	Distribution by Severity Level Group						Distribution by Criminal History Score Group					
	Severity Level I-IV		Severity Level V-VII		Severity Level VIII-XII		CHS 0		CHS 1 - 3		CHS 4 or more	
	#	%	#	%	#	%	#	%	#	%	#	%
2011	9,746	66.9	2,697	18.5	1,139	7.8	5,228	35.9	6,072	41.7	3,271	22.4
2010	9,479	66.2	2,717	19.0	1,168	8.2	5,502	38.4	5,731	40.0	3,078	21.5
2009	9,736	65.6	2,845	19.2	1,399	9.4	5,778	38.9	6,003	40.5	3,059	20.6
2008	10,178	66.1	2,958	19.2	1,486	9.7	5,851	38.0	6,354	41.3	3,189	20.7
2007	11,184	69.2	3,027	18.7	1,522	9.4	6,325	39.1	6,744	41.7	3,099	19.2
2006	11,668	70.9	3,183	19.4	1,582	9.6	6,758	41.1	6,600	40.1	3,088	18.8
2005	10,632	68.8	3,231	20.9	1,599	10.3	6,328	40.9	6,295	40.7	2,839	18.4
2004	9,994	67.8	3,111	21.1	1,646	11.2	6,160	41.8	5,933	40.2	2,658	18.0
2003	9,614	66.3	3,041	21.0	1,837	12.7	6,072	41.9	5,865	40.5	2,554	17.6
2002	9,283	71.5	2,180	16.8	1,515	11.7	5,619	43.3	4,955	38.2	2,404	18.5
2001	7,731	71.6	1,880	17.4	1,185	11.0	4,740	43.9	4,187	38.8	1,869	17.3
2000	7,406	71.2	1,892	18.2	1,097	10.6	4,713	45.3	3,897	37.5	1,785	17.2
1999	7,848	73.8	1,715	16.1	1,071	10.1	4,786	45.0	4,090	38.5	1,758	16.5
1998	8,044	73.9	1,744	16.0	1,099	10.1	4,903	45.0	4,183	38.4	1,801	16.5
1997	7,190	73.0	1,694	17.2	963	9.8	4,501	45.7	3,636	36.9	1,710	17.4
1996	6,889	72.7	1,655	17.5	936	9.9	4,401	46.4	3,480	36.7	1,599	16.9
1995	6,716	71.3	1,805	19.2	900	9.6	4,464	47.4	3,373	35.8	1,584	16.8
1994	6,968	71.2	1,854	18.9	965	9.9	4,897	50.0	3,385	34.6	1,505	15.4
1993	6,751	70.1	1,901	19.7	985	10.2	4,845	50.3	3,270	33.9	1,522	15.8
1992	6,554	70.3	1,888	20.2	883	9.5	4,724	50.7	3,164	33.9	1,437	15.4
1991	6,711	73.3	1,671	18.2	779	8.5	4,775	52.1	3,039	33.2	1,347	14.7
1990	6,281	71.0	1,774	20.1	789	8.9	4,594	51.9	3,015	34.1	1,235	14.0
1989	5,612	70.4	1,723	21.6	639	8.0	3,989	50.0	2,704	33.9	1,281	16.1
1988	5,402	71.3	1,611	21.3	559	7.4	3,849	50.8	2,493	32.9	1,230	16.2
1987	4,863	72.9	1,356	20.3	455	6.8	3,372	50.5	2,234	33.5	1,068	16.0
1986	4,502	74.6	1,114	18.5	416	6.9	3,149	52.2	2,025	33.6	858	14.2
1985	4,514	72.4	1,245	20.0	477	7.6	3,243	52.0	2,076	33.4	917	14.7
1984	4,211	72.7	1,122	19.4	459	7.9	3,111	53.7	1,950	33.7	731	12.6
1983	4,413	79.3	757	13.6	392	7.0	2,964	53.3	1,871	33.6	727	13.1
1982	4,896	80.7	735	12.1	435	7.2	3,545	58.4	1,812	29.9	709	11.7
1981	4,487	81.6	644	11.7	369	6.7	3,399	61.8	1,650	30.0	451	8.2
1978	3,406	78.0	609	13.9	355	8.1	2,554	58.5	1,505	34.4	309	7.1

**How to read Tables 11a and 11b:** The format of Tables 11a and 11b mirror the formats of the Standard Grid and the Sex Offender Grid. The first number in each cell is the number of offenders sentenced at that severity level and that criminal history score. The second number is the percentage of offenders at that severity level who had that specific criminal history score. The third number is the percent, at that criminal history score, who were also at that severity level.

For example, of offenders sentenced in 2011, 390 had a Criminal History Score of 0 and were sentenced for a Severity Level 1 offense. Of the offenders sentenced for Severity Level 1 offenses, 40 percent had a Criminal History Score of 0 (the row percent). Of the offenders who had a Criminal History Score of 0, eight percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 11a and are displayed on Table 11b.

Table 11a. Distribution of Cases by Severity and History

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>	10 45.5% 0.2%	1 4.5% 0.0%	2 9.1% 0.1%	0 0.0% 0.0%	4 18.2% 0.4%	2 9.1% 0.3%	3 13.6% 0.2%	22 100% 0.2%
<b>Sev. Level 11</b>	14 53.8% 0.3%	2 7.7% 0.1%	2 7.7% 0.1%	1 3.8% 0.1%	2 7.7% 0.2%	1 3.8% 0.1%	4 15.4% 0.3%	26 100% 0.2%
<b>Sev. Level 10</b>	10 62.5% 0.2%	1 6.2% 0.0%	0 0.0% 0.0%	1 6.2% 0.1%	2 12.5% 0.2%	0 0.0% 0.0%	2 12.5% 0.2%	16 100% 0.1%
<b>Sev. Level 9</b>	177 49.9% 3.7%	43 12.1% 1.8%	38 10.7% 2.0%	37 10.4% 2.6%	20 5.6% 1.9%	11 3.1% 1.6%	29 8.2% 2.2%	355 100% 2.6%
<b>Sev. Level 8</b>	299 41.5% 6.2%	129 17.9% 5.3%	67 9.3% 3.6%	74 10.3% 5.3%	60 8.3% 5.6%	35 4.9% 5.2%	56 7.8% 4.3%	720 100% 5.3%
<b>Sev. Level 7</b>	125 18.9% 2.6%	200 30.2% 8.3%	128 19.3% 6.9%	59 8.9% 4.2%	74 11.2% 6.9%	36 5.4% 5.3%	41 6.2% 3.1%	663 100% 4.9%
<b>Sev. Level 6</b>	432 32.3% 8.9%	223 16.7% 9.2%	227 17.0% 12.2%	150 11.2% 10.7%	111 8.3% 10.4%	74 5.5% 11.0%	121 9.0% 9.2%	1,338 100% 9.9%
<b>Sev. Level 5</b>	296 42.5% 6.1%	125 18.0% 5.2%	60 8.6% 3.2%	53 7.6% 3.8%	46 6.6% 4.3%	34 4.9% 5.0%	82 11.8% 6.2%	696 100% 5.1%
<b>Sev. Level 4</b>	1,094 30.1% 22.6%	683 18.8% 28.2%	527 14.5% 28.3%	457 12.6% 32.7%	327 9.0% 30.6%	201 5.5% 29.8%	340 9.4% 25.9%	3,629 100% 26.7%
<b>Sev. Level 3</b>	451 39.2% 9.3%	177 15.4% 7.3%	163 14.2% 8.7%	96 8.3% 6.9%	64 5.6% 6.0%	48 4.2% 7.1%	152 13.2% 11.6%	1,151 100% 8.5%
<b>Sev. Level 2</b>	1,541 38.7% 31.8%	695 17.4% 28.7%	486 12.2% 26.1%	384 9.6% 27.4%	293 7.4% 27.4%	185 4.6% 27.4%	402 10.1% 30.6%	3,986 100% 29.3%
<b>Sev. Level 1</b>	390 39.8% 8.1%	145 14.8% 6.0%	163 16.6% 8.7%	87 8.9% 6.2%	67 6.8% 6.3%	48 4.9% 7.1%	80 8.2% 6.1%	980 100% 7.2%
<b>Column Total</b>	4,839 35.6% 100%	2,424 17.8% 100%	1,863 13.7% 100%	1,399 10.3% 100%	1,070 7.9% 100%	675 5.0% 100%	1,312 9.7% 100%	13,582 100% 100%

**Table 11b. Distribution of Offenses by Severity and Criminal History  
Sex Offender Grid**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Sev. Level A	58	18	4	15	8	4	8	115
	50.4%	15.7%	3.5%	13.0%	7.0%	3.5%	7.0%	100%
	14.9%	11.5%	4.1%	11.3%	10.3%	6.6%	10.7%	11.6%
Sev. Level B	13	4	3	2	0	0	0	22
	59.1%	18.2%	13.6%	9.1%	0.0%	0.0%	0.0%	100%
	3.3%	2.6%	3.1%	1.5%	0.0%	0.0%	0.0%	2.2%
Sev. Level C	39	5	4	4	5	3	2	62
	62.9%	8.1%	6.5%	6.5%	8.1%	4.8%	3.2%	100%
	10.0%	3.2%	4.1%	3.0%	6.4%	4.9%	2.7%	6.3%
Sev. Level D	133	40	13	9	9	6	10	220
	60.5%	18.2%	5.9%	4.1%	4.1%	2.7%	4.5%	100%
	34.2%	25.6%	13.4%	6.8%	11.5%	9.8%	13.3%	22.2%
Sev. Level E	32	10	2	5	3	5	2	59
	54.2%	16.9%	3.4%	8.5%	5.1%	8.5%	3.4%	100%
	8.2%	6.4%	2.1%	3.8%	3.8%	8.2%	2.7%	6.0%
Sev. Level F	23	6	1	6	3	2	2	43
	53.5%	14.0%	2.3%	14.0%	7.0%	4.7%	4.7%	100%
	5.9%	3.8%	1.0%	4.5%	3.8%	3.3%	2.7%	4.3%
Sev. Level G	56	17	11	17	7	3	14	125
	44.8%	13.6%	8.8%	13.6%	5.6%	2.4%	11.2%	100%
	14.4%	10.9%	11.3%	12.8%	9.0%	4.9%	18.7%	12.6%
Sev. Level H <i>Failure to Register</i>	35	56	59	75	43	38	37	343
	10.2%	16.3%	17.2%	21.9%	12.5%	11.1%	10.8%	100%
	9.0%	35.9%	60.8%	56.4%	55.1%	62.3%	49.3%	34.7%
Column Total	389	156	97	133	78	61	75	989
	39.3%	15.8%	9.8%	13.4%	7.9%	6.2%	7.6%	100%
	100%	100%	100%	100%	100%	100%	100%	100%



*Incarceration Rates*

**How to read Tables 12a and 12b:** The format of Tables 12a and 12b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received a sentence that included incarceration in a state prison or local correctional facility.

For example, of the 390 offenders sentenced at Severity Level 1, with a Criminal History Score of 0, 82.3% percent received a sentence that included incarceration in either a state prison or a local correctional facility. Of the 80 offenders at Severity Level 1 with a Criminal History Score of 6 or more, 90 percent received a sentence of imprisonment or a stayed sentence with conditional time.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 12a and are displayed on Table 12b.

**Table 12a. Total Incarceration**  
Percent of All Cases Receiving Incarceration in a State Prison or  
Conditional Confinement in a Local Facility as Part of the Pronounced Sentence

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b>								
<i>Murder 1</i>								
# in Grid Cell	10	1	2	--	4	2	3	22
% Incarcerated	100%	100%	100%	--	100%	100%	100%	100%
<b>Sev. Level 11</b>								
# in Grid Cell	14	2	2	1	2	1	4	26
% Incarcerated	100%	100%	100%	100%	100%	100%	100%	100%
<b>Sev. Level 10</b>								
# in Grid Cell	10	1	1	1	2	--	2	16
% Incarcerated	100%	100%	100%	100%	100%	--	100%	100%
<b>Sev. Level 9</b>								
# in Grid Cell	177	43	38	37	20	11	29	355
% Incarcerated	92.7%	97.7%	97.4%	100%	100%	90.9%	96.6%	95.2%
<b>Sev. Level 8</b>								
# in Grid Cell	299	129	67	74	60	35	56	720
% Incarcerated	95.7%	96.1%	100%	97.3%	100%	91.4%	100%	96.8%
<b>Sev. Level 7</b>								
# in Grid Cell	125	200	128	59	74	36	41	663
% Incarcerated	92.8%	96.5%	96.1%	100%	97.3%	91.7%	97.6%	95.9%
<b>Sev. Level 6</b>								
# in Grid Cell	432	223	227	150	111	74	121	1,338
% Incarcerated	92.8%	92.4%	93.8%	94.0%	99.1%	97.3%	96.7%	94.2%
<b>Sev. Level 5</b>								
# in Grid Cell	296	125	60	53	46	34	82	696
% Incarcerated	90.2%	91.2%	90.0%	98.1%	93.5%	100%	97.6%	92.5%
<b>Sev. Level 4</b>								
# in Grid Cell	1,094	683	527	457	327	201	340	3,629
% Incarcerated	90.4%	89.2%	91.0%	93.4%	96.0%	96.5%	97.4%	92.1%
<b>Sev. Level 3</b>								
# in Grid Cell	451	177	163	96	64	48	152	1,151
% Incarcerated	80.0%	82.5%	91.4%	90.6%	90.6%	95.8%	97.4%	86.5%
<b>Sev. Level 2</b>								
# in Grid Cell	1,541	695	486	384	293	185	402	3,986
% Incarcerated	83.7%	87.6%	90.3%	92.5%	93.2%	95.7%	95.3%	88.5%
<b>Sev. Level 1</b>								
# in Grid Cell	390	145	163	87	67	48	80	980
% Incarcerated	82.3%	81.4%	81.0%	87.4%	86.6%	91.7%	90.0%	83.8%
<b>Total</b>								
# in Grid Cell	4,839	2,424	1,863	1,399	1,070	675	1,312	13,582
% Incarcerated	87.4%	89.3%	91.1%	93.5%	95.0%	95.6%	96.3%	90.7%

**Table 12b. Total Incarceration for Sex Offender Grid**  
**Percent of All Cases Receiving Incarceration in a State Prison or**  
**Conditional Confinement in a Local Facility as Part of the Pronounced Sentence**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	58 100%	18 100%	4 100%	15 100%	8 87.5%	4 100%	8 100%	115 99.1%
<b>Sev. Level B</b>	13 92.3%	4 100%	3 100%	2 50.0%	---	--	---	22 90.9%
<b>Sev. Level C</b>	39 87.2%	5 100%	4 100%	4 100%	5 100%	3 66.7%	2 100%	62 90.3%
<b>Sev. Level D</b>	133 93.2%	40 97.5%	13 92.3%	9 88.9%	9 88.9%	6 83.3%	10 100%	220 93.6%
<b>Sev. Level E</b>	32 93.8%	10 70.0%	2 100%	5 100%	3 100%	5 100%	2 100%	59 91.5%
<b>Sev. Level F</b>	23 91.3%	6 100%	1 0%	6 100%	3 100%	2 100%	2 100%	43 93.0%
<b>Sev. Level G</b>	56 80.4%	17 76.5%	11 81.8%	17 76.5%	7 85.7%	3 66.7%	14 71.4%	125 78.4%
<b>Sev. Level H Failure to Register</b>	35 94.3%	56 85.7%	59 98.3%	75 93.3%	43 95.4%	38 100%	37 97.3%	343 94.5%
<b>Column Total</b>	389 91.8%	156 89.7%	97 94.9%	133 91.7%	78 93.6%	61 95.1%	75 93.3%	989 92.2%

**How to read Tables 13a and 13b:** The format of Tables 13a and 13b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received an executed prison sentence. Offenders who did not receive an executed prison sentence may have received local confinement time as a condition of their probation. (See Tables 20 and 21, for local confinement rates.)

For example, of the 390 offenders sentenced at Severity Level 1, with a Criminal History Score of 0, 0.8 percent received an executed prison sentence. Of the 80 offenders at Severity Level 1 with a Criminal History Score of 6 or more, 70.0 percent received an executed prison sentence.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 13a and are displayed on Table 13b.

**Table 13a. Imprisonment Rate**  
**Percent of All Cases Receiving Executed Prison Sentences**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>								
# in Grid Cell	10	1	2	--	4	2	3	22
% Rec. Prison	100%	100%	100%		100%	100%	100%	100%
<b>Sev. Level 11</b>								
# in Grid Cell	14	2	2	1	2	1	4	26
% Rec. Prison	100%	50.0%	100%	100%	100%	100%	100%	96.2%
<b>Sev. Level 10</b>								
# in Grid Cell	10	1	--	1	2	--	2	16
% Rec. Prison	100%	100%		100%	100%		100%	100%
<b>Sev. Level 9</b>								
# in Grid Cell	177	43	38	37	20	11	29	355
% Rec. Prison	42.9%	60.5%	84.2%	78.4%	100%	90.9%	93.1%	62.0%
<b>Sev. Level 8</b>								
# in Grid Cell	299	129	67	74	60	35	56	720
% Rec. Prison	35.1%	67.0%	80.6%	81.1%	95.0%	88.6%	87.5%	61.8%
<b>Sev. Level 7</b>								
# in Grid Cell	125	200	128	59	74	36	41	663
% Rec. Prison	.8%	4.0%	35.9%	57.6%	78.4%	72.2%	70.7%	30.5%
<b>Sev. Level 6</b>								
# in Grid Cell	432	223	227	150	111	74	121	1,338
% Rec. Prison	12.0%	29.6%	42.7%	66.0%	68.5%	78.4%	90.1%	41.6%
<b>Sev. Level 5</b>								
# in Grid Cell	296	125	60	53	46	34	82	696
% Rec. Prison	1.7%	2.4%	8.3%	71.7%	67.4%	88.2%	85.4%	26.2%
<b>Sev. Level 4</b>								
# in Grid Cell	1,094	683	527	457	327	201	340	3,629
% Rec. Prison	1.4%	2.2%	5.7%	12.0%	62.4%	77.1%	79.1%	20.5%
<b>Sev. Level 3</b>								
# in Grid Cell	451	177	163	96	64	48	152	1,151
% Rec. Prison	1.1%	2.8%	2.5%	6.3%	60.9%	77.1%	85.5%	19.6%
<b>Sev. Level 2</b>								
# in Grid Cell	1,541	695	486	384	293	185	402	3,986
% Rec. Prison	3.2%	3.7%	4.5%	14.3%	12.6%	23.2%	69.2%	12.8%
<b>Sev. Level 1</b>								
# in Grid Cell	390	145	163	87	67	48	80	980
% Rec. Prison	0.8%	2.1%	6.1%	14.9%	14.9%	25.0%	70.0%	10.9%
<b>Total</b>								
# in Grid Cell	4,839	2,424	1,863	1,399	1,070	675	1,312	13,582
% Rec. Prison	7.1%	10.1%	16.3%	28.0%	50.5%	60.0%	78.2%	24.0%

**Table 13b. Imprisonment Rate for Sex Offender Grid  
Percent of All Cases Receiving Executed Prison Sentences**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	58 60.3%	18 88.9%	4 75.0%	15 93.3%	8 87.5%	4 100%	8 100%	115 75.7%
<b>Sev. Level B</b>	13 84.6%	4 75.0%	3 66.7%	2 50.0%	---	--	---	22 77.3%
<b>Sev. Level C</b>	39 41.0%	5 80.0%	4 75.0%	4 50.0%	5 100%	3 66.7%	2 100%	62 54.8%
<b>Sev. Level D</b>	133 0.8%	40 5.0%	13 53.9%	9 77.8%	9 55.6%	6 50.0%	10 60.0%	220 14.1%
<b>Sev. Level E</b>	32 6.3%	10 0.0%	2 0.0%	5 80.0	3 66.7%	5 100%	2 100%	59 25.4%
<b>Sev. Level F</b>	23 0.0%	6 16.7%	1 0.0%	6 100%	3 66.7%	2 100%	2 100%	43 30.2%
<b>Sev. Level G</b>	56 0.0%	17 0.0%	11 0.0%	17 5.9%	7 14.3%	3 66.7%	14 50.0%	125 8.8%
<b>Sev. Level H Failure to Register</b>	35 8.6%	56 46.4%	59 52.5%	75 62.7%	43 65.1%	38 68.4%	37 78.4%	343 55.4%
<b>Column Total</b>	389 17.5%	156 33.3%	97 47.4%	133 61.7%	78 64.1%	61 72.1%	75 74.7%	9 89 40.2%

**How to read Table 14:** The following table shows the percentage of offenders by gender who received an executed prison sentence. For example, of the 12,150 male offenders sentenced in 2011 (Table 1), 27.9 percent received a sentence of imprisonment.

**Table 14. Imprisonment Rate by Gender: 1978, 1981-2011**

Year	Total Number Sentenced	Overall Imprisonment Rate		By Gender	
		Number	Percent	Male	Female
2011	14,571	3,653	25.1%	27.9%	10.9%
2010	14,311	3,640	25.4%	28.3%	11.0%
2009	14,840	3,723	25.1%	27.7%	12.2%
2008	15,394	3,852	25.0%	27.9%	11.8%
2007	16,168	3,760	23.3%	25.8%	11.5%
2006	16,446	3,595	21.9%	24.4%	9.8%
2005	15,462	3,583	23.2%	25.8%	11.3%
2004	14,751	3,443	23.4%	26.1%	11.0%
2003	14,492	3,536	24.4%	27.2%	10.9%
2002	12,978	3,057	23.6%	26.4%	10.7%
2001	10,796	2,449	22.7%	25.6%	9.5%
2000	10,395	2,428	23.4%	26.2%	10.1%
1999	10,634	2,451	23.0%	25.6%	11.0%
1998	10,887	2,561	23.5%	26.4%	9.8%
1997	9,847	2,189	22.2%	25.2%	8.7%
1996	9,480	2,189	23.1%	26.2%	8.8%
1995	9,421	2,136	22.7%	25.6%	9.4%
1994	9,787	2,043	20.9%	23.7%	7.6%
1993	9,637	2,064	21.4%	24.4%	6.9%
1992	9,325	1,925	20.6%	23.1%	7.8%
1991	9,161	1,777	19.4%	21.9%	6.0%
1990	8,844	1,725	19.5%	21.9%	7.6%
1989	7,974	1,752	22.0%	24.2%	10.7%
1988	7,572	1,586	20.9%	23.5%	7.4%
1987	6,674	1,443	21.6%	24.2%	8.4%
1986	6,032	1,198	19.9%	22.3%	6.9%
1985	6,236	1,186	19.0%	21.1%	7.6%
1984	5,792	1,134	19.6%	21.5%	6.6%
1983	5,562	1,140	20.5%	22.3%	8.8%
1982	6,066	1,128	18.6%	20.5%	6.4%
1981	5,500	825	15.0%	16.2%	5.5%
1978	4,369	891	20.4%	21.9%	9.2%

**How to read Table 15:** The following table shows the percentage of offenders for each race/ethnicity who received an executed prison sentence. For example, of the 8,346 white offenders sentenced in 2011 (Table 1), 21.0 percent received a sentence of imprisonment.

**Table 15. Imprisonment Rate by Race/Ethnicity: 1978, 1981-2011**

Year	Total Number Sentenced	Overall Imprisonment Rate		By Race					
		Number	Percent	White	Black	American Indian	Hispanic	Asian	Other
2011	14,571	3,653	285.1	21.0%	31.4%	30.2%	31.2%	18.8%	---
2010	14,311	3,640	25.4%	21.2%	32.9%	30.3%	27.0%	21.8%	---
2009	14,840	3,723	25.1%	20.9%	31.7%	30.9%	26.5%	26.7%	---
2008	15,394	3,852	25.0%	21.5%	31.6%	29.4%	26.3%	21.0%	50.0%
2007	16,168	3,760	23.3%	20.0%	30.0%	24.8%	26.6%	18.3%	0.0%
2006	16,446	3,595	21.9%	18.9%	26.9%	28.1%	25.9%	20.9%	0.0%
2005	15,462	3,583	23.2%	19.8%	29.4%	29.2%	26.8%	26.0%	5.3%
2004	14,751	3,446	23.4%	19.9%	30.2%	27.4%	28.2%	22.9%	---
2003	14,492	3,536	24.4%	22.0%	29.3%	24.6%	30.9%	23.3%	26.3%
2002	12,978	3,057	23.6%	20.7%	27.7%	27.5%	31.3%	24.9%	15.5%
2001	10,796	2,449	22.7%	19.3%	28.6%	25.3%	27.6%	23.7%	0.0%
2000	10,395	2,428	23.4%	19.7%	29.3%	26.4%	30.5%	22.2%	15.9%
1999	10,634	2,451	23.0%	19.2%	28.6%	27.7%	30.6%	25.4%	21.8%
1998	10,887	2,561	23.5%	19.9%	30.2%	26.9%	28.3%	20.4%	11.1%
1997	9,847	2,189	22.2%	19.1%	26.5%	30.0%	28.2%	13.6%	15.9%
1996	9,480	2,189	23.1%	20.2%	29.9%	25.4%	22.3%	16.1%	14.6%
1995	9,421	2,136	22.7%	19.5%	28.5%	29.5%	23.6%	23.0%	18.5%
1994	9,787	2,043	20.9%	18.1%	27.8%	25.2%	18.8%	17.6%	20.8%
1993	9,637	2,064	21.4%	17.9%	30.2%	25.0%	21.4%	25.8%	18.4%
1992	9,325	1,925	20.6%	17.8%	28.2%	24.3%	23.1%	17.1%	25.0%
1991	9,161	1,777	19.4%	16.5%	27.1%	27.1%	23.6%	16.5%	10.3%
1990	8,844	1,725	19.5%	16.8%	26.5%	28.2%	23.3%	29.0%	16.0%
1989	7,974	1,752	22.0%	19.4%	32.1%	26.2%	14.0%	10.9%	25.0%
1988	7,572	1,586	20.9%	18.3%	29.1%	28.2%	22.2%	11.4%	11.8%
1987	6,674	1,443	21.6%	19.4%	30.8%	26.7%	18.5%	18.5%	17.6%
1986	6,032	1,198	19.9%	18.6%	26.1%	22.3%	17.5%	12.0%	38.9%
1985	6,236	1,186	19.0%	16.8%	27.7%	25.0%	23.1%	21.1%	20.7%
1984	5,792	1,134	19.6%	17.5%	30.2%	26.2%	19.5%	0.0%	15.8%
1983	5,562	1,140	20.5%	18.1%	31.4%	29.2%	21.9%	11.1%	26.7%
1982	6,066	1,128	18.6%	15.6%	32.1%	28.9%	34.0%	12.5%	23.8%
1981	5,500	825	15.0%	12.2%	29.2%	26.1%	25.6%	10.0%	75.0%
1978	4,369	891	20.4%	19.3%	28.9%	22.7%	17.6%	0.0%	31.4%



**How to read Table 16:** The following table shows the percentage of offenders sentenced in each MN Judicial District who received an executed prison sentence. For example, of the 2,936 offenders sentenced in the Fourth Judicial District in 2011 (Table 1), 30.6 percent received a sentence of incarceration in a state prison.

**Table 16. Imprisonment Rate by MN Judicial District: 1978, 1981-2011**  
(Percentage of Offenders)

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2011	20.7%	28.3%	26.5%	30.6%	19.8%	21.1%	24.3%	28.7%	25.3%	20.3%
2010	19.1%	29.5%	23.8%	31.5%	21.0%	18.1%	30.2%	30.9%	25.1%	19.8%
2009	19.8%	29.4%	24.2%	28.8%	19.6%	19.8%	29.9%	28.6%	23.7%	20.3%
2008	22.4%	27.2%	26.5%	27.8%	20.7%	20.2%	30.1%	26.3%	22.3%	20.8%
2007	19.7%	26.2%	22.6%	26.5%	18.1%	19.9%	28.1%	24.0%	23.0%	18.9%
2006	17.7%	24.0%	25.4%	23.3%	20.6%	16.1%	25.2%	26.9%	21.6%	19.0%
2005	18.9%	24.1%	25.4%	26.4%	21.9%	17.8%	26.0%	26.5%	26.2%	18.7%
2004	15.8%	27.9%	24.0%	25.5%	27.3%	17.8%	24.1%	26.8%	26.3%	19.7%
2003	20.0%	27.1%	25.4%	26.1%	27.9%	18.6%	24.9%	27.7%	26.7%	21.7%
2002	19.8%	25.5%	24.7%	25.3%	25.4%	19.6%	22.7%	26.9%	22.5%	22.9%
2001	17.3%	25.4%	23.2%	26.9%	20.5%	15.5%	23.1%	24.8%	21.8%	20.4%
2000	19.6%	25.5%	22.8%	26.7%	21.7%	18.9%	20.2%	26.9%	23.3%	21.2%
1999	18.4%	22.5%	20.1%	29.0%	25.6%	17.9%	20.6%	30.7%	21.2%	20.5%
1998	18.6%	24.3%	26.5%	29.4%	20.9%	15.1%	21.6%	27.0%	23.1%	19.1%
1997	19.6%	22.5%	21.3%	26.5%	19.6%	17.0%	22.4%	21.8%	25.1%	17.8%
1996	20.6%	25.1%	22.2%	27.6%	19.7%	20.1%	19.4%	22.9%	21.7%	21.3%
1995	18.4%	21.4%	19.2%	29.8%	23.5%	18.9%	17.9%	28.6%	22.0%	20.9%
1994	14.5%	18.4%	15.9%	30.1%	18.3%	16.8%	21.5%	23.2%	20.6%	17.2%
1993	18.5%	23.6%	15.6%	29.6%	15.7%	17.7%	18.2%	20.9%	18.0%	17.7%
1992	15.7%	20.7%	16.5%	27.1%	19.9%	19.0%	18.6%	20.8%	18.3%	17.3%
1991	16.3%	18.6%	11.8%	27.6%	16.4%	15.3%	16.3%	18.0%	17.8%	16.4%
1990	16.5%	18.5%	17.3%	25.3%	18.2%	16.0%	19.3%	24.9%	15.1%	16.9%
1989	19.1%	21.3%	22.3%	29.4%	23.5%	19.6%	15.2%	22.0%	16.0%	17.4%
1988	15.7%	24.0%	15.7%	23.9%	19.4%	18.4%	18.4%	23.4%	21.8%	18.9%
1987	17.8%	26.1%	16.3%	27.5%	16.1%	19.2%	18.1%	22.1%	21.4%	18.0%
1986	18.0%	19.2%	18.5%	24.5%	16.8%	18.3%	14.5%	15.6%	22.1%	21.0%
1985	15.4%	21.4%	13.2%	21.8%	13.9%	19.7%	17.2%	17.9%	19.8%	19.0%
1984	15.8%	20.6%	11.5%	25.0%	17.2%	19.7%	14.9%	18.0%	20.5%	19.3%
1983	16.9%	22.1%	19.1%	29.3%	17.7%	18.5%	13.6%	14.5%	19.3%	15.4%
1982	14.9%	20.0%	14.1%	29.7%	10.2%	16.1%	16.9%	15.3%	15.9%	13.2%
1981	6.3%	15.7%	11.0%	24.2%	5.1%	14.0%	11.8%	8.1%	14.1%	14.5%
1978	17.0%	22.7%	25.7%	23.9%	17.4%	13.4%	13.2%	18.5%	17.0%	21.7%

**How to read Table 17:** The following table shows the percentage of offenders by gender who received incarceration in a local correctional facility as a condition of a stayed sentence. For example, of the 12,150 male offenders sentenced in 2011 (Table 1), 64.2 percent received incarceration in a local as a condition of a stayed sentence.

**Table 17. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender: 1978, 1981-2011**

Year	Total Number Sentenced	Overall – Local Time as a Condition or Probation		By Gender	
		Number	Percent	Male	Female
2011	14,571	9,583	65.8%	64.2%	73.4%
2010	14,311	8,587	60.0%	58.6%	67.1%
2009	14,840	9,746	65.7%	64.0%	73.6%
2008	15,394	10,062	65.4%	63.8%	72.7%
2007	16,168	10,970	67.9%	66.4%	74.6%
2006	16,446	11,493	69.9%	68.3%	77.4%
2005	15,462	10,672	69.0%	67.5%	75.7%
2004	14,751	10,071	68.3%	66.9%	74.4%
2003	14,492	9,557	66.0%	64.6%	72.3%
2002	12,978	8,600	66.3%	65.2%	71.3%
2001	10,796	7,150	66.2%	65.0%	71.8%
2000	10,395	6,838	65.8%	64.9%	70.1%
1999	10,634	6,946	65.3%	64.9%	67.2%
1998	10,887	6,999	64.3%	64.0%	65.4%
1997	9,847	6,349	64.5%	64.4%	64.8%
1996	9,480	5,911	62.4%	62.5%	61.8%
1995	9,421	6,019	63.9%	65.0%	58.7%
1994	9,787	6,292	64.3%	65.1%	60.7%
1993	9,637	6,205	64.4%	65.1%	60.8%
1992	9,325	6,176	66.2%	66.7%	63.8%
1991	9,161	6,009	65.6%	67.0%	58.2%
1990	8,844	5,428	61.4%	63.3%	51.5%
1989	7,974	4,669	58.6%	60.8%	47.1%
1988	7,572	4,428	58.5%	60.3%	49.0%
1987	6,674	3,700	55.4%	57.6%	44.4%
1986	6,032	3,298	54.7%	57.5%	39.5%
1985	6,236	3,324	53.3%	56.0%	38.5%
1984	5,792	3,074	53.1%	55.4%	37.1%
1983	5,562	2,781	50.0%	52.9%	31.8%
1982	6,066	2,717	44.7%	47.3%	28.2%
1981	5,500	2,539	46.2%	48.2%	29.8%
1978	4,369	1,547	35.4%	37.5%	19.9%

**How to read Table 18:** The following table shows the percentage of offenders for each race/ethnicity who received incarceration in a local facility as a condition of a stayed sentence. For example, of the 8,346 white offenders sentenced in 2011 (Table 1), 68.4 percent received incarceration in a local facility as a condition of a stayed sentence.

**Table 18. Incarceration in Local Facilities by Race/Ethnicity: 1978, 1981-2011**

Year	Total Number Sentenced	Overall – Local Time as a Condition or Probation		By Race					
		Number	Percent	White	Black	American Indian	Hispanic	Asian	Other
2011	14,571	9,583	65.8%	68.4%	61.9%	62.2%	59.5%	73.3%	---
2010	14,311	8,587	60.0%	62.8%	55.9%	57.0%	53.7%	66.2%	---
2009	14,840	9,746	65.7%	69.1%	61.6%	61.8%	57.4%	66.2%	---
2008	15,394	10,062	65.4%	68.1%	61.1%	61.0%	60.9%	70.7%	50.0%
2007	16,168	10,970	67.9%	70.0%	63.2%	67.7%	64.0%	73.1%	100%
2006	16,446	11,493	69.9%	72.0%	66.1%	66.2%	66.2%	73.9%	25.0%
2005	15,462	10,672	69.0%	71.7%	64.9%	62.8%	62.7%	69.5%	78.9%
2004	14,751	10,071	68.3%	71.1%	62.9%	63.9%	64.4%	69.2%	----
2003	14,492	9,557	66.0%	67.5%	62.8%	67.3%	60.2%	67.4%	65.8%
2002	12,978	8,600	66.3%	68.7%	63.0%	62.3%	58.5%	64.1%	76.1%
2001	10,796	7,150	66.2%	68.5%	62.5%	64.8%	61.8%	63.0%	75.0%
2000	10,395	6,838	65.8%	68.7%	61.2%	65.3%	59.0%	65.2%	63.8%
1999	10,634	6,946	65.3%	68.9%	59.7%	64.3%	57.3%	61.9%	65.5%
1998	10,887	6,999	64.3%	67.5%	58.1%	62.8%	62.1%	64.8%	64.8%
1997	9,847	6,349	64.5%	67.8%	58.0%	61.6%	63.2%	70.5%	72.7%
1996	9,480	5,911	62.4%	65.8%	53.1%	64.3%	66.5%	63.7%	75.6%
1995	9,421	6,019	63.9%	66.7%	58.7%	60.7%	63.7%	52.6%	74.1%
1994	9,787	6,292	64.3%	66.7%	57.8%	64.3%	66.7%	61.4%	75.0%
1993	9,637	6,205	64.4%	67.4%	56.3%	64.7%	62.3%	62.9%	68.4%
1992	9,325	6,176	66.2%	68.0%	60.9%	65.7%	66.4%	66.7%	62.5%
1991	9,161	6,009	65.6%	67.7%	58.7%	63.7%	64.1%	68.1%	65.5%
1990	8,844	5,428	61.4%	63.9%	53.5%	56.6%	62.3%	46.4%	68.0%
1989	7,974	4,669	58.6%	60.9%	47.7%	60.0%	66.0%	65.2%	62.5%
1988	7,572	4,428	58.5%	60.8%	49.8%	58.4%	60.6%	60.0%	29.4%
1987	6,674	3,700	55.4%	57.2%	46.6%	56.7%	54.8%	44.4%	76.5%
1986	6,032	3,298	54.7%	56.2%	44.4%	59.1%	57.5%	52.0%	44.4%
1985	6,236	3,324	53.3%	55.2%	45.4%	53.9%	42.7%	36.8%	44.8%
1984	5,792	3,074	53.1%	54.2%	46.1%	51.2%	54.9%	56.3%	68.4%
1983	5,562	2,781	50.0%	50.6%	47.3%	49.1%	45.6%	55.6%	46.7%
1982	6,066	2,717	44.7%	45.4%	40.3%	42.6%	38.8%	37.5%	42.9%
1981	5,500	2,539	46.2%	46.3%	44.5%	50.0%	43.0%	30.0%	0.0%
1978	4,369	1,547	35.4%	35.3%	34.1%	41.7%	58.0%	0.0%	2.9%

**How to read Table 19:** The following table shows the percentage of offenders sentenced in each MN Judicial District who received confinement time as a condition of a stayed prison sentence. For example, of the 2,936 offenders sentenced in the Fourth Judicial District in 2011 (Table 1), 60.9 percent received a sentence including incarceration in a local facility.

**Table 19. Incarceration in Local Facilities by MN Judicial District: 1978, 1981-2011 (Percentage of Offenders)**

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2011	65.5%	70.6%	52.3%	60.9%	68.1%	62.3%	71.8%	65.6%	62.4%	74.9%
2010	63.0%	63.2%	48.3%	55.8%	62.1%	60.3%	61.0%	56.1%	57.4%	69.5%
2009	70.0%	69.4%	51.8%	62.4%	71.1%	59.3%	66.2%	66.7%	64.4%	73.4%
2008	67.9%	70.5%	52.9%	64.5%	64.5%	51.6%	65.9%	69.0%	65.0%	72.6%
2007	71.9%	71.5%	59.4%	63.6%	68.7%	59.3%	67.7%	69.3%	67.3%	75.6%
2006	72.4%	74.1%	60.1%	68.5%	68.2%	59.8%	71.1%	70.8%	69.5%	75.8%
2005	71.9%	72.9%	57.3%	67.6%	68.0%	62.0%	70.5%	69.9%	63.8%	75.8%
2004	72.5%	67.3%	61.2%	66.3%	64.5%	65.4%	70.7%	65.6%	66.1%	75.3%
2003	68.7%	66.1%	59.3%	64.9%	62.1%	61.9%	69.7%	63.3%	63.6%	70.8%
2002	68.7%	66.9%	55.2%	64.6%	65.1%	61.2%	72.2%	65.8%	68.1%	69.4%
2001	68.0%	67.1%	61.3%	62.1%	68.1%	60.6%	70.5%	70.6%	67.9%	70.8%
2000	66.8%	63.5%	64.3%	62.8%	64.7%	60.1%	73.8%	69.7%	68.2%	69.6%
1999	68.1%	66.9%	64.0%	57.2%	58.7%	61.6%	73.9%	62.8%	69.2%	75.8%
1998	65.7%	63.7%	57.7%	56.3%	62.7%	61.1%	72.8%	67.2%	69.2%	75.8%
1997	67.9%	62.4%	62.4%	55.0%	64.6%	57.2%	71.3%	72.2%	69.5%	76.7%
1996	63.8%	57.2%	59.3%	52.0%	64.3%	58.7%	75.0%	69.6%	68.5%	73.1%
1995	64.2%	59.8%	65.3%	57.9%	56.8%	57.5%	74.7%	64.6%	72.1%	71.7%
1994	65.0%	60.1%	68.0%	58.0%	60.5%	55.8%	70.0%	64.1%	72.3%	75.1%
1993	64.5%	55.3%	66.7%	56.5%	63.5%	66.5%	74.2%	67.5%	74.1%	73.4%
1992	67.0%	62.3%	69.6%	59.4%	67.2%	63.2%	74.1%	70.3%	72.2%	73.5%
1991	64.5%	61.7%	71.3%	57.4%	71.4%	63.7%	74.3%	75.1%	72.9%	71.8%
1990	63.3%	49.8%	65.3%	56.4%	61.3%	57.0%	71.2%	68.4%	73.3%	70.3%
1989	61.5%	48.6%	62.1%	50.7%	54.9%	52.2%	68.9%	65.1%	72.4%	71.1%
1988	58.0%	45.5%	68.4%	55.9%	56.7%	50.9%	68.7%	65.2%	63.3%	67.7%
1987	47.9%	42.0%	65.2%	50.7%	62.3%	55.3%	61.0%	62.4%	61.1%	66.8%
1986	47.3%	44.8%	63.7%	50.7%	60.8%	51.8%	62.5%	65.6%	59.2%	63.0%
1985	44.0%	46.3%	70.8%	45.8%	56.8%	53.2%	55.0%	55.5%	63.5%	62.1%
1984	41.3%	47.9%	74.9%	49.6%	49.2%	51.8%	51.9%	57.2%	60.9%	59.1%
1983	35.7%	43.1%	67.9%	54.2%	43.8%	48.6%	48.4%	41.2%	59.8%	51.2%
1982	27.5%	42.5%	69.0%	43.7%	48.3%	55.3%	34.0%	30.8%	56.8%	45.0%
1981	29.1%	42.2%	65.2%	49.0%	49.8%	49.0%	29.4%	45.7%	58.4%	42.8%
1978	35.9%	39.3%	38.9%	40.8%	26.0%	45.5%	12.0%	22.3%	47.8%	23.0%

**How to read Tables 20a and 20b:** The format of Tables 20a and 20b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score. The bottom number is the percentage of the offenders in that cell who received local incarceration as a condition of a stayed sentence. Some offenders who did not receive conditional confinement time may have received executed prison sentences (see Tables 13-16, for imprisonment rates).

For example, of the 390 offenders sentenced at Severity Level 1 with a Criminal History Score of 0, 81.5 percent received confinement as a condition of probation.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 20a and are displayed on Table 20b.

**Table 20a. Local Confinement Rates**  
**Percent of All Cases Receiving Local Confinement ("Jail") as a Condition of Probation**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i>								
# in Grid Cell	10	1	2	--	4	2	3	22
% Rec. Jail	0.0%	0.0%	0.0%	--	0.0%	0.0%	0.0%	0.0%
<b>Sev. Level 11</b>								
# in Grid Cell	14	2	2	1	2	1	4	26
% Rec. Jail	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.9%
<b>Sev. Level 10</b>								
# in Grid Cell	10	1	--	1	2	--	2	16
% Rec. Jail	0.0%	0.0%	--	0.0%	0.0%	--	0.0%	0.0%
<b>Sev. Level 9</b>								
# in Grid Cell	177	43	38	37	20	11	29	355
% Rec. Jail	49.7%	37.2%	13.2%	21.6%	0.0%	0.0%	3.5%	33.24%
<b>Sev. Level 8</b>								
# in Grid Cell	299	129	67	74	60	35	56	720
% Rec. Jail	60.5%	27.1%	19.4%	16.2%	5.0%	2.9%	12.5%	35.0%
<b>Sev. Level 7</b>								
# in Grid Cell	125	200	128	59	74	36	41	663
% Rec. Jail	92.0%	92.5%	60.2%	42.4%	18.9%	19.4%	26.8%	65.5%
<b>Sev. Level 6</b>								
# in Grid Cell	432	223	227	150	111	74	121	1,338
% Rec. Jail	80.8%	62.8%	51.1%	28.0%	30.6%	18.9%	6.6%	52.5%
<b>Sev. Level 5</b>								
# in Grid Cell	296	125	60	53	46	34	82	696
% Rec. Jail	88.5%	88.8%	81.7%	26.4%	26.1%	11.8%	12.2%	66.4%
<b>Sev. Level 4</b>								
# in Grid Cell	1,094	683	527	457	327	201	340	3,629
% Rec. Jail	89.0%	87.0%	85.2%	81.4%	33.6%	19.4%	18.2%	71.7%
<b>Sev. Level 3</b>								
# in Grid Cell	451	177	163	96	64	48	152	1,151
% Rec. Jail	78.9%	79.7%	89.0%	84.4%	30.0%	18.8%	11.8%	66.8%
<b>Sev. Level 2</b>								
# in Grid Cell	1,541	695	486	384	293	185	402	3,986
% Rec. Jail	80.5%	83.9%	85.8%	78.1%	80.6%	72.4%	26.1%	75.7%
<b>Sev. Level 1</b>								
# Grid Cell	390	145	163	87	67	48	80	980
% Rec. Jail	81.5%	79.3%	74.9%	72.4%	71.6%	66.7%	20.0%	72.9%
<b>Total</b>								
# in Grid Cell	4,839	2,424	1,863	1,399	1,070	675	1,312	13,582
% Rec. Jail	80.3%	79.3%	74.8%	65.6%	44.5%	35.6%	18.1%	66.8%

**Table 20b. Local Confinement Rate for Sex Offender Grid**  
**Percent of All Cases Receiving Local Confinement (“Jail”) as a Condition of Probation**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b>	58 39.7%	18 11.1%	4 25.0%	15 6.7%	8 0.0%	4 0.0%	8 0.0%	115 23.5%
<b>Sev. Level B</b>	13 7.7%	4 25.0%	3 33.3	2 0.0%	---	--	---	22 13.6%
<b>Sev. Level C</b>	39 46.2%	5 20.0%	4 25.0%	4 50.0%	5 0.0%	3 0.0%	2 0.0%	62 35.5%
<b>Sev. Level D</b>	133 92.5%	40 92.5%	13 38.5%	9 11.1%	9 33.3%	6 33.3%	10 40.0%	220 79.6%
<b>Sev. Level E</b>	32 87.5%	10 70.0%	2 100%	5 20.0%	3 33.3%	5 0.0%	2 0.0%	59 66.1%
<b>Sev. Level F</b>	23 91.3%	6 83.3%	1 0.0%	6 0.0%	3 33.3%	2 0.0%	2 0.0%	43 62.8%
<b>Sev. Level G</b>	56 80.4%	17 76.5%	11 81.8%	17 70.6%	7 71.4%	3 0.0%	14 21.4%	125 69.6%
<b>Sev. Level H Failure to Register</b>	35 85.7%	56 39.3%	59 45.8%	75 30.7%	43 30.2%	38 31.6%	37 18.9%	343 39.1%
<b>Column Total</b>	389 74.3%	156 56.4%	97 47.4%	133 30.1%	78 29.5%	61 23.0%	75 18.7%	989 52.0%

**How to read Tables 21a and 21b:** The format of Tables 21a and 21b mirror the format of the Standard Grid and the Sex Offender Grid. The top number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received a stayed sentence. The bottom number is the percentage of those (receiving a stayed sentence) who received local incarceration as a condition of a stayed sentence.

For example, of the 387 offenders sentenced at Severity Level 1 with a Criminal History Score of 0 who received a probationary sentence, 82.2 percent received local confinement as a condition of probation.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 21a and are displayed on Table 21b.



**Table 21a. Local Confinement Rate**  
**Percent of Stayed Cases Receiving Local Confinement ("Jail")**  
**as a Condition of Probation**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i> # Stayed Cases % Rec. Jail	-	-	-	-	-	-	-	0
<b>Sev. Level 11</b> # Stayed Cases % Rec. Jail	-	1 100%	-	-	-	-	-	1 100%
<b>Sev. Level 10</b> # Stayed Cases % Rec. Jail	-	-	-	-	-	-	-	0
<b>Sev. Level 9</b> # Stayed Cases % Rec. Jail	101 87.1%	17 94.1%	6 83.3%	8 100%	-	1 0.0%	2 50.0%	135 87.4%
<b>Sev. Level 8</b> # Stayed Cases % Rec. Jail	194 93.3%	40 87.5%	13 100%	14 85.7%	3 100%	4 25.0%	7 100%	275 91.6%
<b>Sev. Level 7</b> # Stayed Cases % Rec. Jail	124 92.7%	192 96.4%	82 93.9%	25 100%	16 97.5%	10 70.0%	12 91.7%	461 94.1%
<b>Sev. Level 6</b> # Stayed Cases % Rec. Jail	380 91.8%	157 89.2%	130 89.2%	51 82.4%	35 97.1%	16 87.5%	12 66.7%	781 90.0%
<b>Sev. Level 5</b> # Stayed Cases % Rec. Jail	291 90.0%	122 91.0%	55 89.1%	15 93.3%	15 80.0%	4 100%	12 83.3%	514 89.9%
<b>Sev. Level 4</b> # Stayed Cases % Rec. Jail	1,079 90.3%	668 88.9%	497 90.3%	402 92.5%	123 89.4%	46 84.8%	71 87.3%	2,886 90.1%
<b>Sev. Level 3</b> # Stayed Cases % Rec. Jail	446 79.8%	172 82.0%	159 91.2%	90 90.0%	25 76.0%	11 81.8%	22 81.8%	925 83.1%
<b>Sev. Level 2</b> # Stayed Cases % Rec. Jail	1,492 83.2%	669 87.1%	464 89.9%	329 91.2%	256 92.2%	142 94.4%	124 84.7%	3,476 86.8%
<b>Sev. Level 1</b> # Stayed Cases % Rec. Jail	387 82.2%	142 81.0%	153 79.7%	74 85.1%	57 84.2%	36 88.9%	24 66.7%	873 81.8%
<b>Total</b> # Stayed Cases % Rec. Jail	4,494 86.4%	2,180 88.1%	1,559 89.4%	1,008 91.0%	530 89.8%	270 88.9%	286 83.2%	10,327 87.8%

**Table 21b. Local Confinement Rate for Sex Offender Grid  
Percent of Stayed Cases Receiving Local Confinement ("Jail")  
as a Condition of Probation**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> # Stayed Cases % Rec. Jail	23 100%	2 100%	1 100%	1 50.0%	1 0.0%	---	---	28 96.4%
<b>Sev. Level B</b> # Stayed Cases % Rec. Jail	2 50%	1 100%	1 100%	1 0.0%	---	--	---	5 60.0%
<b>Sev. Level C</b> # Stayed Cases % Rec. Jail	23 78.3%	1 100%	1 100%	2 100%	--	1 0.0%	---	28 78.6%
<b>Sev. Level D</b> # Stayed Cases % Rec. Jail	132 93.2%	38 97.4%	6 83.3%	2 50.0%	4 75.0%	3 66.7%	4 100%	189 92.6%
<b>Sev. Level E</b> # Stayed Cases % Rec. Jail	30 93.3%	10 70.0%	2 100%	1 100%	1 100%	--	--	44 88.6%
<b>Sev. Level F</b> # Stayed Cases % Rec. Jail	23 91.3%	5 100%	1 0.0%	--	1 100%	---	--	30 90.0%
<b>Sev. Level G</b> # Stayed Cases % Rec. Jail	56 80.4%	17 76.5%	11 81.8%	16 75.0%	6 83.3%	1 0.0%	7 42.9%	114 76.3%
<b>Sev. Level H</b> <i>Failure to Register</i> # Stayed Cases % Rec. Jail	32 93.8%	30 73.3%	28 96.4%	28 82.1%	15 86.7%	12 100%	8 87.5%	153 87.6%
<b>Column Total</b> # Stayed Cases % Rec. Jail	321 90.0%	104 84.6%	51 90.2%	51 78.4%	28 82.1%	17 82.4%	19 73.7%	591 87.0%

*Average Pronounced Sentences*

**How to read Tables 22a and 22b:** The format of Tables 22a and 22b mirror the format of the Standard Grid and the Sex Offender Grid. The bottom number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received an executed prison sentence. The top figure is the average sentence pronounced by the court (in months). These tables do not include the 21 offenders who received life sentences in 2011.

For example, the average pronounced prison sentence for the 14 offenders sentenced to prison at Severity Level 11, Criminal History Score of 0, was 343.3 months. The average sentence pronounced for all 3,238 offenders receiving an executed prison sentence was 42.6 months for offenders with presumptive sentences on the Standard Grid. Life sentences are excluded from average duration calculations; only offenders sentenced for attempted, or conspiracy to commit, first-degree murder are included in Table 20a.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 22a and are displayed on Table 22b.

**Table 22a. Average Prison Sentence**  
**Offenders Receiving Executed Prison Sentences**  
**Average Length of Pronounced Prison Sentence (in months)**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Att. Murder 1</i>								
Avg. Pronounced	128.3	354.0	330.0	-	-	202.0	-	224.0
# Prison Cases	2	1	1			2		6
<b>Sev. Level 11</b>								
Avg. Pronounced	343.3	391.0	283.5	295.0	705.5	173.0	400.5	369.8
# Prison Cases	14	1	2	1	2	1	4	25
<b>10</b>								
Avg. Pronounced	153.1	180.0	-	336.0	192.5	-	368.0	198.0
# Prison Cases	10	1		1	2		2	16
<b>Sev. Level 9</b>								
Avg. Pronounced	84.8	81.3	91.5	119.9	104.8	150.4	127.3	99.9
# Prison Cases	76	26	32	28	20	10	27	219
<b>Sev. Level 8</b>								
Avg. Pronounced	43.7	52.7	53.7	63.9	73.9	80.0	108.9	63.0
# Prison Cases	105	89	54	60	57	31	49	445
<b>Sev. Level 7</b>								
Avg. Pronounced	46.0	39.8	44.4	44.6	51.5	58.0	61.1	50.5
# Prison Cases	1	8	46	34	58	26	29	202
<b>Sev. Level 6</b>								
Avg. Pronounced	30.7	36.0	40.0	40.7	43.2	47.0	59.3	43.7
# Prison Cases	52	66	97	99	76	58	109	557
<b>Sev. Level 5</b>								
Avg. Pronounced	21.6	22.7	26.8	28.5	33	37.7	47.9	37.9
# Prison Cases	5	3	5	38	31	30	70	182
<b>Sev. Level 4</b>								
Avg. Pronounced	12.2	15.7	16.7	20.1	21.2	22.3	28.4	23.5
# Prison Cases	15	15	30	55	204	155	269	743
<b>Sev. Level 3</b>								
Avg. Pronounced	14.4	13.0	13.5	14.2	16.7	18.3	21.9	19.7
# Prison Cases	5	5	4	6	39	37	130	226
<b>Sev. Level 2</b>								
Avg. Pronounced	12.9	13.7	12.9	14.2	16.7	17.9	20.7	18.0
# Prison Cases	49	26	22	55	37	43	278	510
<b>Sev. Level 1</b>								
Avg. Pronounced	12.0	24	12.0	13.2	14.7	14.7	18.2	16.3
# Prison Cases	3	3	10	13	10	12	56	107
<b>Total</b>								
Avg. Pronounced	60.2	46.0	45.3	42.5	39.5	37.1	39.0	42.6
# Prison Cases	337	244	303	390	536	405	1,023	3,238

**Table 22b. Average Prison Sentence for Sex Offender Grid  
Offenders Receiving Executed Prison Sentences  
Average Length of Pronounced Prison Sentence (in months)**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> Avg. Pronounced # Prison Cases	144.1 35	138.3 16	169.7 3	170.8 13	282.5 6	342.0 3	281.1 8	178.0 84
<b>Sev. Level B</b> Avg. Pronounced # Prison Cases	91.6 11	94.7 3	130.0 1	130.0 1	---	--	---	97.0 16
<b>Sev. Level C</b> Avg. Pronounced # Prison Cases	48.2 16	62.3 4	65.7 3	88.5 2	118.2 5	78.0 2	196.5 2	74.5 34
<b>Sev. Level D</b> Avg. Pronounced # Prison Cases	36.0 1	48.0 2	59.1 7	62.3 7	69.2 5	109.7 3	129.5 6	78.5 31
<b>Sev. Level E</b> Avg. Pronounced # Prison Cases	85.5 2	---	---	66.0 4	74.0 2	94.8 5	73.5 2	80.3 15
<b>Sev. Level F</b> Avg. Pronounced # Prison Cases	---	27.0 1	---	42.8 6	54.5 2	78.5 2	84.0 2	55.2 13
<b>Sev. Level G</b> Avg. Pronounced # Prison Cases	---	---	---	30.0 1	36.0 1	43.0 2	62.1 7	53.4 11
<b>Sev. Level H</b> <i>Failure to Register</i> Avg. Pronounced # Prison Cases	12.0 3	16.0 26	15.6 31	16.6 47	18.7 28	24.7 26	31.3 29	19.9 190
<b>Column Total</b> Avg. Pronounced # Prison Cases	103.9 68	63.2 52	38.5 45	53.0 81	70.4 49	66.7 43	90.7 56	70.5 394

**How to read Tables 23a and 23b:** The format of Tables 23a and 23b mirror the format of the Standard Grid and the Sex Offender Grid. The bottom number in each cell is the total number of offenders sentenced at that severity level and criminal history score who received local incarceration as a condition of their sentence. The top figure is the average duration pronounced by the court (in days). For example, the average pronounced local confinement time for the 318 offenders at Severity Level 1, Criminal History Score of 0, was 41.2 days. The average for all 9,069 offenders who received local confinement as a condition of probation or a local confinement sentence was 104.7 days for offenders with presumptive sentences on the Standard grid. First-degree murder was included in the Commission's data for the first time in 2006; those offenders are displayed at Severity Level 12.

The Sex Offender Grid went into effect August 1, 2006. In 2011, 989 offenders were sentenced using the Sex Offender Grid. Those offenders are excluded from Table 23a and are displayed on Table 23b.

**Table 23a. Average Local Confinement Time  
Offenders Receiving Local Incarceration ("Jail")  
as a Condition of Probation  
Average Length of Pronounced Conditional Confinement (in days)**

	Criminal History Score							Total
	0	1	2	3	4	5	6+	
<b>Sev. Level 12</b> <i>Murder 1</i> Avg. Pronounced # with Jail	---	---	---	---	---	---	---	0
<b>Sev. Level 11</b> Avg. Pronounced # with Jail	---	365 1	---	---	---	---	---	365 1
<b>Sev. Level 10</b> Avg. Pronounced 1# with Jail	---	---	---	---	---	---	---	0
<b>Sev. Level 9</b> Avg. Pronounced # with Jail	239.6 88	306.1 16	365.0 5	236.3 8	---	---	365.0 1	254.8 118
<b>Sev. Level 8</b> Avg. Pronounced # with Jail	226.2 181	251.5 35	228.9 13	292.1 12	244.7 3	502.0 1	263.4 7	235.3 252
<b>Sev. Level 7</b> Avg. Pronounced # with Jail	182.9 115	183.7 185	216.4 77	275.2 25	317.9 14	260.0 7	240.4 11	201.6 434
<b>Sev. Level 6</b> Avg. Pronounced # with Jail	126.7 349	168.5 140	179.0 116	227.4 42	236.7 34	255.2 14	295.6 8	159.5 703
<b>Sev. Level 5</b> Avg. Pronounced # with Jail	95.4 262	125.8 111	166.9 49	157.1 14	215.8 12	108.5 4	197.0 10	117.6 462
<b>Sev. Level 4</b> Avg. Pronounced # with Jail	57.5 974	88.8 594	99.1 449	124.5 372	166.3 110	177.6 39	191.6 62	91.0 2,600
<b>Sev. Level 3</b> Avg. Pronounced # with Jail	48.6 356	73.4 141	88.4 145	101.3 81	125.0 19	142.6 9	151.9 18	71.6 769
<b>Sev. Level 2</b> Avg. Pronounced # with Jail	58.2 1,241	89.2 583	102.7 417	123.1 300	129.0 236	155.1 134	150.5 105	89.9 3,016
<b>Sev. Level 1</b> Avg. Pronounced # with Jail	41.2 318	61.3 115	66.1 122	68.3 63	88.7 48	120.1 32	151.3 16	60.3 714
<b>Total</b> Avg. Pronounced # with Jail	80.0 3,884	108.1 1,921	113.9 1,393	130.6 917	149.6 476	163.2 240	176.6 238	104.7 9,069

**Table 23b. Average Local Confinement Time for Sex Offender Grid  
Offenders Receiving Local Confinement (“Jail”)  
as a Condition of Probation  
Average Length of Local Confinement (in days)**

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Sev. Level A</b> Avg. Pronounced # Prison Cases	323.7 23	273.0 2	365.0 1	365.0 1	---	---	---	323.0 27
<b>Sev. Level B</b> Avg. Pronounced # Prison Cases	365.0 1	271.0 1	90.0 1	---	---	--	---	242 3
<b>Sev. Level C</b> Avg. Pronounced # Prison Cases	248.3 18	365.0 1	365.0 1	235.0 2	--	---	---	257.7 22
<b>Sev. Level D</b> Avg. Pronounced # Prison Cases	155.6 123	201.8 37	228.2 5	180.0 1	365.0 3	321.0 2	328.3 4	177.0 175
<b>Sev. Level E</b> Avg. Pronounced # Prison Cases	143.5 28	145.3 7	176.5 2	120.0 1	365.0 1	--	--	150.6 39
<b>Sev. Level F</b> Avg. Pronounced # Prison Cases	113.4 21	174.2 5	--	--	365.0 1	---	--	134.0 27
<b>Sev. Level G</b> Avg. Pronounced # Prison Cases	84.8 45	108.0 13	129.1 9	91.5 12	193.4 5	---	140.0 3	101.9 87
<b>Sev. Level H</b> <i>Failure to Register</i> Avg. Pronounced # Prison Cases	102.1 30	105.9 22	104.5 27	140.0 23	141.2 13	145.1 12	215.4 7	123.3 134
<b>Column Total</b> Avg. Pronounced # Prison Cases	154.7 289	162.1 88	136.9 46	136.4 40	201.2 23	170.2 14	231.5 14	157.5 514



*Departure Rates***Table 24. Dispositional Departure Rates for All Cases and for Presumptive Commitments by Gender, Race, and Judicial District**

		All Cases								Presumptive Commits		
		Total Cases	Total Disp. Dep. Rate	No Departure		Aggravated		Mitigated		Number Pres. Commit	Mitigated #	%
				#	%	#	%	#	%			
<b>Gender</b>	Male	12,150	14.7%	10,365	85.3%	362	3.0%	1,423	11.7%	4,451	1,423	32.0%
	Female	2,421	11.1%	2,152	88.9%	68	2.8%	201	8.3%	396	201	50.8%
<b>Race/ Ethnicity</b>	White	8,346	13.6%	7,214	86.4%	261	3.1%	871	10.4%	2,365	871	36.8%
	Black	4,007	16.0%	3,367	84.0%	112	2.8%	528	13.2%	1,676	528	31.5%
	American Indian	998	13.4%	864	86.6%	31	3.1%	103	10.3%	373	103	27.6%
	Hispanic	864	11.3%	766	88.7%	22	2.5%	76	8.8%	324	76	23.5%
	Asian	356	14.1%	306	86.0%	4	1.1%	46	12.9%	109	46	42.2%
<b>Judicial District</b>	First	1,756	14.2%	1,506	85.8%	54	3.1%	196	11.2%	506	196	38.7%
	Second	1,961	10.8%	1,750	89.2%	52	2.7%	159	8.1%	661	159	24.1%
	Third	1,232	12.1%	1,083	87.9%	56	4.5%	93	7.5%	364	93	25.5%
	Fourth	2,936	17.9%	2,409	82.1%	71	2.4%	456	15.5%	1,282	456	35.6%
	Fifth	661	13.9%	569	86.1%	22	3.3%	70	10.6%	179	70	39.1%
	Sixth	921	15.9%	775	84.1%	31	3.4%	115	12.5%	278	115	41.4%
	Seventh	1,472	12.6%	1,287	87.4%	32	2.2%	153	10.4%	478	153	32.0%
	Eighth	401	12.5%	351	87.5%	18	4.5%	32	8.0%	129	32	24.8%
	Ninth	1,183	16.1%	993	83.9%	58	4.9%	132	11.2%	373	132	35.4%
	Tenth	2,048	12.4%	1,794	87.6%	36	1.8%	218	10.6%	597	218	36.5%
<b>Overall</b>		<b>14,571</b>	<b>14.1%</b>	<b>12,517</b>	<b>85.9%</b>	<b>430</b>	<b>3.0%</b>	<b>1,624</b>	<b>11.1%</b>	<b>4,847</b>	<b>1,624</b>	<b>33.5%</b>

Table 25. Overall Durational Departure Rates: 1981-2011

Year	All Cases							
	Total Cases	Total Dur. Dep. Rate	No Departure		Aggravated		Mitigated	
			#	%	#	%	#	%
2011	14,571	14.1%	12,522	85.9%	196	1.3%	1,853	12.7%
2010	14,311	13.7%	12,355	86.3%	215	1.5%	1,741	12.2%
2009	14,840	12.7%	12,959	87.3%	223	1.5%	1,658	11.2%
2008	15,394	12.2%	13,517	87.8%	252	1.6%	1,625	10.6%
2007	16,168	11.8%	14,262	88.2%	319	2.0%	1,587	9.8%
2006	16,446	12.2%	14,447	87.8%	349	2.1%	1,650	10.0%
2005	15,462	12.3%	13,562	87.7%	381	2.5%	1,519	9.8%
2004	14,751	13.9%	12,701	86.1%	445	3.0%	1,605	10.9%
2003	14,492	15.3%	12,276	84.7%	542	3.7%	1,674	11.6%
2002	12,978	15.4%	10,980	84.6%	522	4.0%	1,476	11.4%
2001	10,796	16.3%	9,035	83.7%	541	5.0%	1,220	11.3%
2000	10,395	15.8%	8,753	84.2%	529	5.1%	1,113	10.7%
1999	10,634	14.9%	9,050	85.1%	516	4.9%	1,068	10.0%
1998	10,887	14.8%	9,294	85.4%	514	4.7%	1,079	9.9%
1997	9,847	13.8%	8,484	86.2%	394	4.0%	969	9.8%
1996	9,480	11.0%	8,437	89.0%	428	4.5%	615	6.5%
1995	9,421	10.1%	8,474	89.9%	383	4.1%	564	6.0%
1994	9,787	9.3%	8,879	90.7%	396	4.0%	512	5.2%
1993	9,637	9.0%	8,768	91.0%	336	3.5%	533	5.5%
1992	9,325	10.3%	8,367	89.7%	359	3.9%	599	6.4%
1991	9,161	9.9%	8,250	90.1%	334	3.6%	577	6.3%
1990	8,844	9.4%	8,012	90.6%	298	3.4%	534	6.0%
1989	7,974	8.5%	7,293	91.5%	221	2.8%	460	5.8%
1988	7,572	7.3%	7,016	92.7%	196	2.6%	360	4.8%
1987	6,674	7.4%	6,180	92.6%	162	2.4%	332	5.0%
1986	6,032	6.5%	5,639	93.5%	114	1.9%	279	4.6%
1985	6,236	6.8%	5,815	93.2%	107	1.7%	314	5.0%
1984	5,792	7.7%	5,347	92.3%	167	2.9%	278	4.8%
1983	5,562	7.7%	5,135	92.3%	109	2.0%	318	5.7%
1982	6,066	7.2%	5,627	92.8%	144	2.4%	295	4.9%
1981	5,500	8.5%	5,030	91.5%	142	2.6%	328	6.0%

**Table 26. Overall Durational Departure Rates  
by Gender, Race, and Judicial District**

		All Cases							
		Total Cases	Total Dur. Dep. Rate	No Departure		Aggravated		Mitigated	
				#	%	#	%	#	%
<b>Gender</b>	Male	12,150	14.5%	10,391	85.5%	170	1.4%	1,589	13.1%
	Female	2,421	12.0%	2,131	88.0%	26	1.1%	264	10.9%
<b>Race/ Ethnicity</b>	White	8,346	11.8%	7,365	88.2%	111	1.3%	870	10.4%
	Black	4,007	19.4%	3,229	80.6%	60	1.5%	718	17.9%
	American Indian	998	12.0%	878	88.0%	12	1.2%	108	10.8%
	Hispanic	864	14.0%	743	86.0%	10	1.2%	111	12.8%
	Asian	356	13.8%	307	86.2%	3	0.8%	46	12.9%
<b>Judicial District</b>	First	1,756	16.8%	1,461	83.2%	29	1.7%	266	15.1%
	Second	1,961	18.6%	1,596	81.4%	23	1.2%	342	17.4%
	Third	1,232	7.2%	1,143	92.8%	8	0.6%	81	6.6%
	Fourth	2,936	25.6%	2,185	74.4%	66	2.2%	685	23.3%
	Fifth	661	8.0%	608	92.0%	8	1.2%	45	6.8%
	Sixth	921	8.5%	843	91.5%	10	1.1%	68	7.4%
	Seventh	1,472	10.4%	1,319	89.6%	10	0.7%	143	9.7%
	Eighth	401	7.0%	373	93.0%	6	1.5%	22	5.5%
	Ninth	1,183	7.2%	1,098	92.8%	19	1.6%	66	5.6%
	Tenth	2,048	7.4%	1,896	92.6%	17	0.8%	135	6.6%
<b>Overall</b>		<b>14,571</b>	<b>14.1%</b>	<b>12,522</b>	<b>85.9%</b>	<b>196</b>	<b>1.3%</b>	<b>1,853</b>	<b>12.7%</b>

Table 27. Durational Departure Rates for Executed Prison Sentences by Gender, Race, and Judicial District

		Executed Prison Sentences Only							
		# Executed Prison	Total Dur. Dep. Rate	<u>No Departure</u>		<u>Aggravated</u>		<u>Mitigated</u>	
				#	%	#	%	#	%
Gender	Male	3,390	27.0%	2,475	73.0%	81	2.4%	834	24.6%
	Female	263	27.4%	191	72.6%	7	2.7%	65	24.7%
Race/ Ethnicity	White	1,755	22.1%	1,368	77.9%	50	2.8%	337	19.2%
	Black	1,260	35.3%	815	64.7%	23	1.8%	422	33.5%
	American Indian	301	23.9%	229	76.1%	7	2.3%	65	21.6%
	Hispanic	270	23.7%	206	76.3%	7	2.6%	57	21.1%
	Asian	67	28.4%	48	71.6%	1	1.5%	18	26.9%
Judicial District	First	364	27.5%	264	72.5%	14	3.8%	86	23.6%
	Second	554	31.2%	381	68.8%	8	1.4%	165	29.8%
	Third	327	8.6%	299	91.4%	3	0.9%	25	7.6%
	Fourth	897	45.7%	487	54.3%	24	2.7%	386	43.0%
	Fifth	131	17.6%	108	82.4%	6	4.6%	17	13.0%
	Sixth	194	25.3%	145	74.7%	4	2.1%	45	23.2%
	Seventh	357	21.0%	282	79.0%	6	1.7%	69	19.3%
	Eighth	115	13.0%	100	87.0%	2	1.7%	13	11.3%
	Ninth	299	14.4%	256	85.6%	11	3.7%	32	10.7%
	Tenth	415	17.1%	344	82.9%	10	2.4%	61	14.7%
Overall		3,653	27.0%	2,666	73.0%	88	2.4%	899	24.6%

## County Tables

Table 28. Number of Offenders Sentenced and Incarceration Rates

County	Number of Offenders Sentenced			Incarceration Rate				Total	
				Prison		Local Confinement			
	2010	2011	Percent Change	Number	Percent	Number	Percent	Number	Percent
Aitkin	42	49	16.7%	18	36.7%	31	63.3%	49	100.0%
Anoka	703	685	-2.6%	126	18.4%	527	76.9%	653	95.3%
Becker	107	104	-2.8%	25	24.0%	78	75.0%	103	99.0%
Beltrami	163	175	7.4%	51	29.1%	111	63.4%	162	92.6%
Benton	131	122	-6.9%	31	25.4%	88	72.1%	119	97.5%
Big Stone	12	10	-16.7%	2	20.0%	8	80.0%	10	100.0%
Blue Earth	155	164	5.8%	28	17.1%	105	64.0%	133	81.1%
Brown	45	36	-20.0%	7	19.4%	28	77.8%	35	97.2%
Carlton	131	147	12.2%	28	19.0%	114	77.6%	142	96.6%
Carver	143	117	-18.2%	13	11.1%	84	71.8%	97	82.9%
Cass	107	126	17.8%	21	16.7%	80	63.5%	101	80.2%
Chippewa	35	33	-5.7%	10	30.3%	19	57.6%	29	87.9%
Chisago	140	110	-21.4%	18	16.4%	79	71.8%	97	88.2%
Clay	209	199	-4.8%	56	28.1%	132	66.3%	188	94.5%
Clearwater	31	22	-29.0%	6	27.3%	15	68.2%	21	95.5%
Cook	6	11	83.3%	1	9.1%	6	54.5%	7	63.6%
Cottonwood	34	24	-29.4%	4	16.7%	17	70.8%	21	87.5%
Crow Wing	160	187	16.9%	39	20.9%	102	54.5%	141	75.4%
Dakota	1040	967	-7.0%	214	22.1%	659	68.1%	870	90.0%
Dodge	36	32	-11.1%	6	18.8%	21	65.6%	27	84.4%
Douglas	82	90	9.8%	16	17.8%	69	76.7%	85	94.4%
Faribault	43	37	-14.0%	8	21.6%	23	62.2%	31	83.8%
Fillmore	30	29	-3.3%	9	31.0%	17	58.6%	26	89.7%
Freeborn	79	92	16.5%	16	17.4%	60	65.2%	76	82.6%
Goodhue	111	125	12.6%	21	16.8%	89	71.2%	110	88.0%
Grant	3	10	233.3%	3	30.0%	7	70.0%	10	100.0%
Hennepin	2,987	2,936	-1.7%	897	30.6%	1,788	60.9%	2685	91.5%
Houston	59	43	-27.1%	10	23.3%	25	58.1%	35	81.4%
Hubbard	60	62	3.3%	15	24.2%	46	74.2%	61	98.4%
Isanti	79	88	11.4%	16	18.2%	67	76.1%	83	94.3%

County	Number of Offenders Sentenced			Incarceration Rate				Total	
				Prison		Local Confinement			
	2010	2011	Percent Change	Number	Percent	Number	Percent	Number	Percent
Itasca	149	150	0.7%	45	30.0%	91	60.7%	136	90.7%
Jackson	25	20	-20.0%	4	20.0%	15	75.0%	19	95.0%
Kanabec	74	86	16.2%	21	24.4%	65	75.6%	86	100.0%
Kandiyohi	159	156	-1.9%	48	30.8%	105	67.3%	153	98.1%
Kittson	5	8	60.0%	1	12.5%	5	62.5%	6	75.0%
Koochiching	9	24	166.7%	1	4.2%	14	58.3%	15	62.5%
Lac Qui Parle	13	12	-7.7%	3	25.0%	9	75.0%	12	100.0%
Lake	29	20	-31.0%	1	5.0%	17	85.0%	18	90.0%
Lake of the Woods	4	11	175.0%	0	0.0%	5	45.5%	5	45.5%
LeSueur	45	43	-4.4%	6	14.0%	30	69.8%	36	83.7%
Lincoln	6	4	-33.3%	1	25.0%	3	75.0%	4	100.0%
Lyon	84	97	15.5%	20	20.6%	70	72.2%	90	92.8%
McLeod	113	94	-16.8%	26	27.7%	58	61.7%	84	89.4%
Mahnomen	45	43	-4.4%	11	25.6%	29	67.4%	40	93.0%
Marshall	24	11	-54.2%	4	36.4%	7	63.6%	11	100.0%
Martin	64	56	-12.5%	12	21.4%	36	64.3%	48	85.7%
Meeker	49	44	-10.2%	10	22.7%	32	72.7%	42	95.5%
Mille Lacs	133	145	9.0%	39	26.9%	100	69.0%	139	95.9%
Morrison	79	98	24.1%	20	20.4%	77	78.6%	97	99.0%
Mower	221	158	-28.5%	45	28.5%	20	12.7%	65	41.1%
Murray	15	9	-40.0%	2	22.2%	7	77.8%	9	100.0%
Nicollet	50	43	-14.0%	13	30.2%	28	65.1%	41	95.3%
Nobles	67	67	0.0%	12	17.9%	42	62.7%	54	80.6%
Norman	19	8	-57.9%	0	0.0%	7	87.5%	7	87.5%
Olmsted	421	429	1.9%	136	31.7%	229	53.4%	365	85.1%
Otter Tail	118	108	-8.5%	15	13.9%	82	75.9%	97	89.8%
Pennington	40	57	42.5%	14	24.6%	37	64.9%	51	89.5%
Pine	80	103	28.8%	25	24.3%	72	69.9%	97	94.2%
Pipestone	15	16	6.7%	5	31.2%	8	50.0%	13	81.2%
Polk	192	212	10.4%	67	31.6%	129	60.8%	196	92.5%
Pope	26	17	-34.6%	7	41.2%	8	47.1%	15	88.2%
Ramsey	1,794	1,961	9.3%	554	28.3%	1,385	70.6%	1,939	98.9%
Red Lake	15	11	-26.7%	3	27.3%	7	63.6%	10	90.9%
Redwood	44	54	22.7%	10	18.5%	43	79.6%	53	98.1%

County	Number of Offenders Sentenced			Incarceration Rate				Total	
				Prison		Local Confinement			
	2010	2011	Percent Change	Number	Percent	Number	Percent	Number	Percent
Renville	26	36	38.5%	7	19.4%	24	66.7%	31	86.1%
Rice	144	141	-2.1%	34	24.1%	95	67.4%	129	91.5%
Rock	12	9	-25.0%	1	11.1%	7	77.8%	8	88.9%
Roseau	33	27	-18.2%	3	11.1%	22	81.5%	25	92.6%
St. Louis	695	743	6.9%	164	22.1%	437	58.8%	601	80.9%
Scott	279	377	35.1%	75	19.9%	212	56.2%	287	76.1%
Sherburne	206	246	19.4%	49	19.9%	180	73.2%	229	93.1%
Sibley	31	33	6.5%	9	27.3%	21	63.6%	30	90.9%
Stearns	424	512	20.8%	134	26.2%	362	70.7%	496	96.9%
Steele	99	84	-15.2%	27	32.1%	50	59.5%	77	91.7%
Stevens	13	12	-7.7%	4	33.3%	8	66.7%	12	100.0%
Swift	14	19	35.7%	5	26.3%	14	73.7%	19	100.0%
Todd	50	49	-2.0%	13	26.5%	32	65.3%	45	91.8%
Traverse	8	9	12.5%	1	11.1%	8	88.9%	9	100.0%
Wabasha	41	53	29.3%	7	13.2%	38	71.7%	45	84.9%
Wadena	60	45	-25.0%	7	15.6%	38	84.4%	45	100.0%
Waseca	43	37	-14.0%	8	21.6%	22	59.5%	30	81.1%
Washington	461	489	6.1%	106	21.7%	372	76.1%	478	97.8%
Watonwan	41	25	-39.0%	4	16.0%	18	72.0%	22	88.0%
Wilkin	14	11	-21.4%	5	45.5%	5	45.5%	10	90.9%
Winona	173	134	-22.5%	29	21.6%	67	50.0%	96	71.6%
Wright	226	241	6.6%	54	22.4%	172	71.4%	226	93.8%
Yellow Medicine	29	32	10.3%	10	31.2%	16	50.0%	26	81.2%
Total	14,311	14,571	1.8%	3,652	25.1%	9,587	65.8%	13,239	90.8%

**Table 29. Dispositional Departure Rates  
For All Cases and for Presumptive Commits**

County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Aitkin	49	41	83.7%	3	6.1%	5	10.2%	20	5	25.0%
Anoka	685	581	84.8%	11	1.6%	93	13.6%	208	93	44.7%
Becker	104	93	89.4%	2	1.9%	9	8.7%	32	9	28.1%
Beltrami	175	161	92.0%	6	3.4%	8	4.6%	53	8	15.1%
Benton	122	113	92.6%	5	4.1%	4	3.3%	30	4	13.3%
Big Stone	10	10	100.0%	0	0.0%	0	0.0%	2	0	0.0%
Blue Earth	164	133	81.1%	6	3.7%	25	15.2%	47	25	53.2%
Brown	36	28	77.8%	1	2.8%	7	19.4%	13	7	53.8%
Carlton	147	130	88.4%	2	1.4%	15	10.2%	41	15	36.6%
Carver	117	102	87.2%	0	0.0%	15	12.8%	28	15	53.6%
Cass	126	105	83.3%	1	0.8%	20	15.9%	40	20	50.0%
Chippewa	33	27	81.8%	4	12.1%	2	6.1%	8	2	25.0%
Chisago	110	96	87.3%	1	0.9%	13	11.8%	30	13	43.3%
Clay	199	184	92.5%	5	2.5%	10	5.0%	61	10	16.4%
Clearwater	22	22	100.0%	0	0.0%	0	0.0%	6	0	0.0%
Cook	11	11	100.0%	0	0.0%	0	0.0%	1	0	0.0%
Cottonwood	24	21	87.5%	1	4.2%	2	8.3%	5	2	40.0%
Crow Wing	187	157	84.0%	10	5.3%	20	10.7%	49	20	40.8%
Dakota	967	833	86.1%	26	2.7%	108	11.2%	296	108	36.5%
Dodge	32	28	87.5%	0	0.0%	4	12.5%	10	4	40.0%
Douglas	90	82	91.1%	1	1.1%	7	7.8%	22	7	31.8%
Faribault	37	33	89.2%	1	2.7%	3	8.1%	10	3	30.0%
Fillmore	29	29	100.0%	0	0.0%	0	0.0%	9	0	0.0%
Freeborn	92	80	87.0%	3	3.3%	9	9.8%	22	9	40.9%
Goodhue	125	107	85.6%	4	3.2%	14	11.2%	31	14	45.2%
Grant	10	8	80.0%	0	0.0%	2	20.0%	5	2	40.0%
Hennepin	2,936	2,409	82.1%	71	2.4%	456	15.5%	1,282	456	35.6%
Houston	43	38	88.4%	1	2.3%	4	9.3%	13	4	30.8%
Hubbard	62	60	96.8%	1	1.6%	1	1.6%	15	1	6.7%
Isanti	88	79	89.8%	2	2.3%	7	8.0%	21	7	33.3%
Itasca	150	105	70.0%	11	7.3%	34	22.7%	68	34	50.0%
Jackson	20	19	95.0%	0	0.0%	1	5.0%	5	1	20.0%
Kanabec	86	74	86.0%	1	1.2%	11	12.8%	31	11	35.5%



County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Kandiyohi	156	147	94.2%	6	3.8%	3	1.9%	45	3	6.7%
Kittson	8	4	50.0%	1	12.5%	3	37.5%	3	3	100.0%
Koochiching	24	24	100.0%	0	0.0%	0	1.1%	1	0	0.0%
Lac Qui Parle	12	12	100.0%	0	0.0%	0	1.1%	3	0	0.0%
Lake	20	18	90.0%	1	5.0%	1	5.0%	1	1	100.0%
Lake of the Woods	11	8	72.7%	0	0.0%	3	27.3%	3	3	100.0%
LeSueur	43	39	90.7%	0	0.0%	4	9.3%	10	4	40.0%
Lincoln	4	4	100.0%	0	0.0%	0	0.0%	1	0	0.0%
Lyon	97	80	82.5%	4	4.1%	13	13.4%	29	13	44.8%
McLeod	94	88	93.6%	4	4.3%	2	2.1%	24	2	8.3%
Mahnomen	43	38	88.4%	1	2.3%	4	9.3%	14	4	28.6%
Marshall	11	10	90.9%	1	9.1%	0	0.0%	3	0	0.0%
Martin	56	50	89.3%	1	1.8%	5	8.9%	16	5	31.2%
Meeker	44	36	81.8%	1	2.3%	7	15.9%	16	7	43.8%
Mille Lacs	145	121	83.4%	6	4.1%	18	12.4%	51	18	35.3%
Morrison	98	85	86.7%	3	3.1%	10	10.2%	27	10	37.0%
Mower	158	138	87.3%	13	8.2%	7	4.4%	39	7	17.9%
Murray	9	9	100.0%	0	0.0%	0	0.0%	2	0	0.0%
Nicollet	43	38	88.4%	3	7.0%	2	4.7%	12	2	16.7%
Nobles	67	64	95.5%	1	1.5%	2	3.0%	13	2	15.4%
Norman	8	7	87.5%	0	0.0%	1	12.5%	1	1	100.0%
Olmsted	429	378	88.1%	18	4.2%	33	7.7%	151	33	21.9%
Otter Tail	108	93	86.1%	0	0.0%	15	13.9%	30	15	50.0%
Pennington	57	50	87.7%	3	5.3%	4	7.0%	15	4	26.7%
Pine	103	97	94.2%	1	1.0%	5	4.9%	29	5	17.2%
Pipestone	16	15	93.8%	0	0.0%	1	6.2%	6	1	16.7%
Polk	212	167	78.8%	20	9.4%	25	11.8%	72	25	34.7%
Pope	17	13	76.5%	2	11.8%	2	11.8%	7	2	28.6%
Ramsey	1,961	1,750	89.2%	52	2.7%	159	8.1%	661	159	24.1%
Red Lake	11	8	72.7%	0	0.0%	3	27.3%	6	3	50.0%
Redwood	54	48	88.9%	2	3.7%	4	7.4%	12	4	33.3%
Renville	36	27	75.0%	0	0.0%	9	25.0%	16	9	56.2%
Rice	141	132	93.6%	3	2.1%	6	4.3%	37	6	16.2%

County	Total Number	All Cases						Presumptive Commits		
		No Departure		Aggravated Departure		Mitigated Departure		Mitigated Departures		
		Number	Percent	Number	Percent	Number	Percent	Number	Number	Percent
Rock	9	7	77.8%	1	11.1%	1	11.1%	1	1	100.0%
Roseau	27	26	96.3%	0	0.0%	1	3.7%	4	1	25.0%
St. Louis	743	616	82.9%	28	3.8%	99	13.3%	235	99	42.1%
Scott	377	307	81.4%	20	5.3%	50	13.3%	105	50	47.6%
Sherburne	246	218	88.6%	3	1.2%	25	10.2%	71	25	35.2%
Sibley	33	30	90.9%	0	0.0%	3	9.1%	12	3	25.0%
Stearns	512	437	85.4%	9	1.8%	66	12.9%	192	66	34.4%
Steele	84	73	86.9%	7	8.3%	4	4.8%	24	4	16.7%
Stevens	12	11	91.7%	1	8.3%	0	0.0%	3	0	0.0%
Swift	19	17	89.5%	2	10.5%	0	0.0%	3	0	0.0%
Todd	49	46	93.9%	1	2.0%	2	4.1%	14	2	14.3%
Traverse	9	8	88.9%	0	0.0%	1	11.1%	2	1	50.0%
Wabasha	53	43	81.1%	2	3.8%	8	15.1%	13	8	61.5%
Wadena	45	33	73.3%	0	0.0%	12	26.7%	19	12	63.2%
Waseca	37	31	83.8%	2	5.4%	4	10.8%	10	4	40.0%
Washington	489	440	90.0%	9	1.8%	40	8.2%	137	40	29.2%
Watonwan	25	20	80.0%	1	4.0%	4	16.0%	7	4	57.1%
Wilkin	11	9	81.8%	0	0.0%	2	18.2%	7	2	28.6%
Winona	134	113	84.3%	7	5.2%	14	10.4%	36	14	38.9%
Wright	241	209	86.7%	8	3.3%	24	10.0%	70	24	34.3%
Yellow Medicine	32	26	81.2%	2	6.2%	4	12.5%	12	4	33.3%
<b>Total</b>	<b>14,571</b>	<b>12,517</b>	<b>85.9%</b>	<b>430</b>	<b>3.0%</b>	<b>1,624</b>	<b>11.1%</b>	<b>4,847</b>	<b>1,624</b>	<b>33.5%</b>

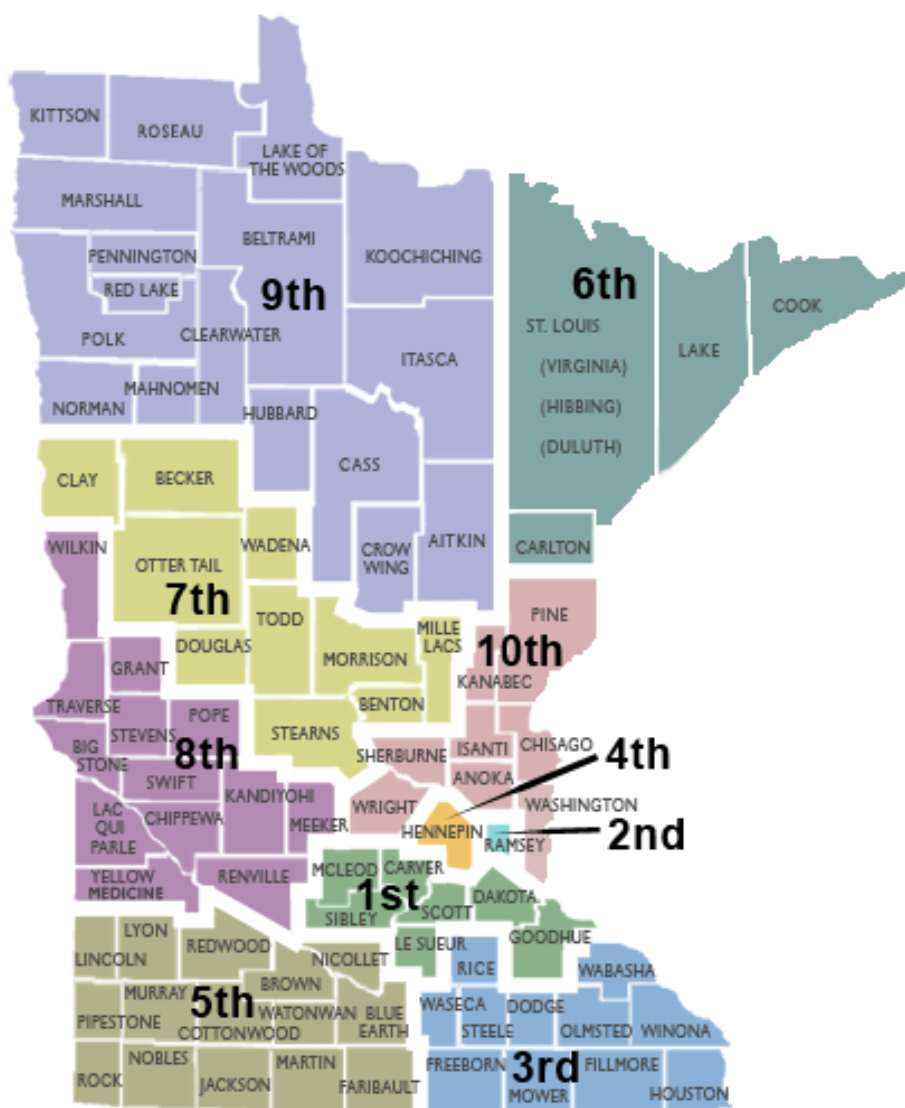
**Table 30. Durational Departure Rates  
Executed Prison Sentences Only**

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Aitkin	18	16	88.9%	2	11.1%	0	0.0%
Anoka	126	107	84.9%	2	1.6%	17	13.5%
Becker	25	25	100.0%	0	0.0%	0	0.0%
Beltrami	51	44	86.3%	2	3.9%	5	9.8%
Benton	31	29	93.5%	0	0.0%	2	6.5%
Big Stone	2	1	50.0%	0	0.0%	1	50.0%
Blue Earth	28	23	82.1%	1	3.6%	4	14.3%
Brown	7	5	71.4%	1	14.3%	1	14.3%
Carlton	28	17	60.7%	0	0.0%	11	39.3%
Carver	13	12	92.3%	0	0.0%	1	7.7%
Cass	21	19	90.5%	0	0.0%	2	9.5%
Chippewa	10	9	90.0%	0	0.0%	1	10.0%
Chisago	18	17	94.4%	0	0.0%	1	5.6%
Clay	56	51	91.1%	0	0.0%	5	8.9%
Clearwater	6	6	100.0%	0	0.0%	0	0.0%
Cook	1	1	100.0%	0	0.0%	0	0.0%
Cottonwood	4	3	75.0%	1	25.0%	0	0.0%
Crow Wing	39	33	84.6%	0	0.0%	6	15.4%
Dakota	214	154	72.0%	12	5.6%	48	22.4%
Dodge	6	6	100.0%	0	0.0%	0	0.0%
Douglas	16	15	93.8%	0	0.0%	1	6.2%
Faribault	8	5	62.5%	1	12.5%	2	25.0%
Fillmore	9	9	100.0%	0	0.0%	0	0.0%
Freeborn	16	16	100.0%	0	0.0%	0	0.0%
Goodhue	21	13	61.9%	0	0.0%	8	38.1%
Grant	3	3	100.0%	0	0.0%	0	0.0%
Hennepin	897	487	54.3%	24	2.7%	386	43.0%
Houston	10	9	90.0%	0	0.0%	1	10.0%
Hubbard	15	15	100.0%	0	0.0%	0	0.0%
Isanti	16	14	87.5%	1	6.2%	1	6.2%
Itasca	45	33	73.3%	1	2.2%	11	24.4%
Jackson	4	2	50.0%	1	25.0%	1	25.0%
Kanabec	21	17	81.0%	0	0.0%	4	19.0%
Kandiyohi	48	46	95.8%	1	2.1%	1	2.1%

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Kittson	1	1	100.0%	0	0.0%	0	0.0%
Koochiching	1	1	100.0%	0	0.0%	0	0.0%
Lac Qui Parle	3	3	100.0%	0	0.0%	0	0.0%
Lake	1	1	100.0%	0	0.0%	0	0.0%
Lake of the Woods	0	-		-		-	
LeSueur	6	6	100.0%	0	0.0%	0	0.0%
Lincoln	1	1	100.0%	0	0.0%	0	0.0%
Lyon	20	19	95.0%	0	0.0%	1	5.0%
McLeod	26	19	73.1%	1	3.8%	6	23.1%
Mahnomen	11	7	63.6%	0	0.0%	4	36.4%
Marshall	4	4	100.0%	0	0.0%	0	0.0%
Martin	12	7	58.3%	1	8.3%	4	33.3%
Meeker	10	9	90.0%	0	0.0%	1	10.0%
Mille Lacs	39	32	82.1%	3	7.7%	4	10.3%
Morrison	20	17	85.0%	0	0.0%	3	15.0%
Mower	45	41	91.1%	2	4.4%	2	4.4%
Murray	2	1	50.0%	0	0.0%	1	50.0%
Nicollet	13	11	84.6%	0	0.0%	2	15.4%
Nobles	12	11	91.7%	0	0.0%	1	8.3%
Norman	0	-		-		-	
Olmsted	136	125	91.9%	0	0.0%	11	8.1%
Otter Tail	15	13	86.7%	0	0.0%	2	13.3%
Pennington	14	13	92.9%	0	0.0%	1	7.1%
Pine	25	23	92.0%	1	4.0%	1	4.0%
Pipestone	5	5	100.0%	0	0.0%	0	0.0%
Polk	67	59	88.1%	6	9.0%	2	3.0%
Pope	7	4	57.1%	0	0.0%	3	42.9%
Ramsey	554	381	68.8%	8	1.4%	165	29.8%
Red Lake	3	3	100.0%	0	0.0%	0	0.0%
Redwood	10	10	100.0%	0	0.0%	0	0.0%
Renville	7	5	71.4%	0	0.0%	2	28.6%
Rice	34	28	82.4%	0	0.0%	6	17.6%
Rock	1	1	100.0%	0	0.0%	0	0.0%
Roseau	3	2	66.7%	0	0.0%	1	33.3%
St. Louis	164	126	76.8%	4	2.4%	34	20.7%

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Percent	Number	Percent	Number	Percent
Scott	75	52	69.3%	0	0.0%	23	30.7%
Sherburne	49	37	75.5%	4	8.2%	8	16.3%
Sibley	9	8	88.9%	1	11.1%	0	0.0%
Stearns	135	83	61.5%	2	1.5%	50	37.0%
Steele	27	25	92.6%	1	3.7%	1	3.7%
Stevens	4	4	100.0%	0	0.0%	0	0.0%
Swift	5	3	60.0%	1	20.0%	1	20.0%
Todd	13	11	84.6%	1	7.7%	1	7.7%
Traverse	1	0	0.0%	0	0.0%	1	100.0%
Wabasha	7	4	57.1%	0	0.0%	3	42.9%
Wadena	7	6	85.7%	0	0.0%	1	14.3%
Waseca	8	8	100.0%	0	0.0%	0	0.0%
Washington	106	88	83.0%	2	1.9%	16	15.1%
Watonwan	4	4	100.0%	0	0.0%	0	0.0%
Wilkin	5	5	100.0%	0	0.0%	0	0.0%
Winona	29	28	96.6%	1	0.0%	1	3.4%
Wright	54	41	75.9%	0	0.0%	13	24.1%
Yellow Medicine	10	8	80.0%	0	0.0%	2	20.0%
<b>Total</b>	<b>3,653</b>	<b>2,666</b>	<b>73.0%</b>	<b>88</b>	<b>2.4%</b>	<b>899</b>	<b>24.6%</b>

## Minnesota Judicial District Map




<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
LeSueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	LacQuiParle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Swift	Koochiching	
		Waseca		Nicollet		Wadena	Traverse	Lake-Woods	
		Winona		Nobles			Wilkin	Mahnomen	
				Pipestone			Norman	Marshall	
				Redwood			Pennington	Polk	
				Rock			Red Lake	Roseau	
				Watonwan					


Minnesota Judicial Branch at <http://mncourts.gov/?page=238>

## Sentencing Guidelines Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in <i>italics</i> )		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> ( <i>intentional murder; drive-by-shootings</i> )	<b>11</b>	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 <sup>2</sup>	426 363-480 <sup>2</sup>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> ( <i>unintentional murder</i> )	<b>10</b>	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Assault, 1st Degree</i> <i>Controlled Substance Crime,</i> <i>1<sup>st</sup> Degree</i>	<b>9</b>	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Aggravated Robbery, 1st Degree</i> <i>Controlled Substance Crime,</i> <i>2<sup>nd</sup> Degree</i>	<b>8</b>	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI</i>	<b>7</b>	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 <sup>2</sup>
<i>Controlled Substance Crime,</i> <i>3<sup>rd</sup> Degree</i>	<b>6</b>	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary</i> <i>Simple Robbery</i>	<b>5</b>	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	<b>4</b>	12 <sup>1</sup>	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b>	12 <sup>1</sup>	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 18-25
<i>Sale of Simulated</i> <i>Controlled Substance</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 17-22

 Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See Guidelines section 2.E. Mandatory Sentences, for policies regarding those sentences controlled by law.

 Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.

## Sex Offender Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

### CRIMINAL HISTORY SCORE

SEVERITY LEVEL OF CONVICTION OFFENSE		0	1	2	3	4	5	6 or More
CSC 1 <sup>st</sup> Degree	A	144 144-172	156 144-187	168 144-201	180 153-216	234 199-280	306 261-360	360 306-360 <sup>2</sup>
CSC 2 <sup>nd</sup> Degree— (c)(d)(e)(f)(h) Prostitution; Sex Trafficking <sup>3</sup> 1 <sup>st</sup> Degree—1(a)	B	90 90 <sup>3</sup> -108	110 94-132	130 111-156	150 128-180	195 166-234	255 217-300	300 255-300 <sup>2</sup>
CSC 3 <sup>rd</sup> Degree—(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2 <sup>nd</sup> Degree—1a	C	48 41-57	62 53-74	76 65-91	90 77-108	117 100-140	153 131-180	180 153-180 <sup>2</sup>
CSC 2 <sup>nd</sup> Degree—(a)(b)(g) CSC 3 <sup>rd</sup> Degree—(a)(b) <sup>2</sup> (e)(f) Dissemination of Child Pornography (Subsequent or by Predatory Offender)	D	36	48	60 51-72	70 60-84	91 78-109	119 102-142	140 119-168
CSC 4 <sup>th</sup> Degree—(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography <sup>2</sup>	E	24	36	48	60 51-72	78 67-93	102 87-120	120 102-120 <sup>2</sup>
CSC 4 <sup>th</sup> Degree— (a)(b)(e)(f) Possession of Child Pornography (Subsequent or by Predatory Offender)	F	18	27	36	45 39-54	59 51-70	77 66-92	84 72-100
CSC 5 <sup>th</sup> Degree Indecent Exposure Possession of Child Pornography Solicit Children for Sexual Conduct <sup>2</sup>	G	15	20	25	30	39 34-46	51 44-60	60 51-60 <sup>2</sup>
Registration Of Predatory Offenders	H	12 <sup>1</sup> 12 <sup>1</sup> -14	14 12 <sup>1</sup> -16	16 14-19	18 16-21	24 21-28	30 26-36	36 31-43



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See Guidelines section 2.E. Mandatory Sentences, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.

<sup>3</sup> Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)